APPENDIX F:
Letter of Intent
and
Comments and Responses

LETTER OF INTENT AND COMMENTS AND RESPONSES

This appendix includes the Letter of Intent from the non-Federal Sponsor indicating their willingness to cost share in the next phase of the project, Preconstruction, Engineering and Design (PED). It also includes the public and agency comments the study team received during the formal comment period between April 9th, 2004 and May 24th, 2004. Comments were received via letters, fax and email. A public workshop was held in Hamilton City on May 6th, 2004 and the written and oral comments received at that time are also included in this appendix.

STATE OF CALIFORNIA – THE RESOURCES AGENCY
ARNOLD SCHWARZENEGGER, Governor

THE RECLAMATION BOARD
3310 El Camino Avenue, LL40
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 5790682
Permits: (916) 574-0653 FAX: (916) 5740681

AUG 0 5 2004

Colonel Ronald N. Light
District Engineer
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814

Dear Colonel Light:

This letter is to express The Reclamation Board's (Board) intent to become the nonfederal sponsor for preconstruction, engineering, and design for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project as described in the final Hamilton City Flood Damage Reduction and Ecosystem Restoration Feasibility Report, dated July 2004. The Board took action on this project at its July 19, 2004 regularly scheduled public meeting. Board Resolution No. 04-14, which details the action taken, is attached.

Please note that this letter of intent is not an obligation of future unappropriated State funds by the State Legislature. We look forward to working with the U.S. Army Corps of Engineers and Glenn County on this project.

If you have any questions, you may contact me at (916) 574-0609, or your staff may contact Gary Lemon, Project Engineer for the Department of Water Resources' Division of Flood Management, at (916) 574-0358.

Sincerely,

Peter D. Rabbon
General Manager

Attachment

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

RESOLUTION NO. 04-14

HAMILTON CITY FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION FEASIBILITY STUDY

WHEREAS, the U.S. Army Corps of Engineers (Corps) and the State of California (State) entered into a Feasibility Cost-Sharing Agreement (FCSA) on February 20, 1998 for the Sacramento and San Joaquin River Basins' Comprehensive Study (Comprehensive Study) to evaluate the flood management system in the Central Valley; and

WHEREAS, the Hamilton City Flood Damage Reduction and Ecosystem Restoration Feasibility Study, California, was identified as an initial project element of the Comprehensive Study; and

WHEREAS, on December 20, 2002, the Board, as lead agency under the California Environmental Quality Act (CEQA), filed a Notice of Preparation with the State Clearinghouse for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Feasibility Study, California; and

WHEREAS, the Hamilton City Flood Damage Reduction and Ecosystem Restoration Feasibility Study, California, identified six alternatives to increase flood protection for Hamilton City and the surrounding area; and

WHEREAS, the Corps released the Draft Feasibility Report and Environmental Impact Statement/Environmental Impact Report (FR/EIS/EIR) on April 9, 2004 for public and agency review; and

WHEREAS, the Board submitted the draft EIR to the State Clearinghouse for agency review on April 9, 2004; and

WHEREAS, all comments that were received during the 45-day review period were responded to and incorporated into the final Hamilton City Flood Damage Reduction and Ecosystem Restoration FR/EIS/EIR as appropriate; and

WHEREAS, following the alternative evaluation and public review, the sponsor tentatively selected a levee setback plan that would increase the level of flood protection for Hamilton City and the surrounding area; and

WHEREAS, prior to implementation of the selected plan, the Board must certify the EIR and adopt findings.

NOW, THEREFORE BE IT RESOLVED, that The Reclamation Board certifies that:

1. The Hamilton City Flood Damage Reduction and Ecosystem Restoration Final EIS/EIR, completed by the Corps and the Board in June 2004 as a joint National Environmental Policy Act/CEQA document, has been prepared according to CEQA guidelines; and

2. The final EIR was presented to the Board and the Board has reviewed and considered the information contained in the final EIR; and

3. The final EIR reflects the Board's independent judgment and analysis.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that The Reclamation Board:

1. Finds that the Project could have a significant adverse effect on the following resources: water quality, air quality, special status species, and transportation, but that changes and alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

   Water Quality - The removal of the J-Levee could have a significant but temporary effect to water quality. The use of Best Management Practices (BMP) to prevent sediment runoff from entering the Sacramento River will reduce this impact to a less-than-significant level.

   Air Quality - Fugitive dust and emissions from equipment used during construction could have a significant temporary effect on air quality. The use of BMP to reduce fugitive dust and emissions during construction will reduce this impact to a less than significant level.

   Special Status Species - Several species listed under the California Endangered Species Act may experience temporary disturbance or displacement during construction. These species are Yellow-billed cuckoo, Swainson's hawk and bank swallow. Surveys will be conducted prior to each construction season to determine the presence of these birds and the location of any nests. Specific avoidance and minimization of impact measures, as determined by the Department of Fish and Game, will be required to ensure there is no adverse impact or take of these species. These measures will reduce the impact to listed birds to a less than significant level.

   Anadromous fish may be subject to short-term exposure to increased turbidity in the Sacramento River during construction. The project will implement BMP to avoid or limit runoff from reaching the River. The implementation of BMP will

reduce this impact to anadromous fish to a less-than-significant level.

Transportation - Construction activities could generate temporary additional traffic and potential disruption to traffic due to detours. Increased traffic could adversely affect safety and roadway conditions. The implementation of an access management plan prior to the initiation of construction will reduce impacts to traffic to a less than significant level.

2. Approves the Project.

Dated: July 16, 2004

By: ORIGINAL SIGNED BY
Betsy A. Marchand
President

By: ORIGINAL SIGNED BY
William H. Edgar
Secretary

Approved as to Legal form
And Sufficiency

ORIGINAL SIGNED BY
Scott Morgan
Counsel

Public Comments and Responses on Draft FR/EIS/EIR

Commentors:

1. The Nature Conservancy
2. Ms. Sharon Wallace, area resident
3. FEMA, Community Mitigation Programs
4. Sacramento River Preservation Trust
5. California Department of Food and Agriculture
6. California Department of Parks and Recreation
7. Sacramento River Conservation Area Forum
8. Ms. Susan Grivey, area resident
9. Ms. Juanita Sapp, area resident
10. California Regional Water Quality Control Board
11. Mr. Kurt Keilman, public
12. California Department of Conservation
13. U.S. Environmental Protection Agency

Comment #

1-1 … These researchers quantified an average density of 323 plants per acre for existing riparian forest from 9 sites. Six of these research sites are within the project area.
As a result of the adaptive management feedback loop and continuing research, we now plant densities ranging from 200-360 plants per acre, depending on vegetation community. We recommend you increase the planting density per acre of the project area to the ranges specified above in order to more closely meet the needs of conservation targets and mimic ecosystem function.

Response: Planting densities (refer to page 6 and 7 of the revegetation report of the engineering appendix – Appendix C10: Habitat Revegetation Report) have been adjusted to the 200-360 plants per acre range as recommended by TNC.

1-2 The plan includes "passive restoration" areas where no revegetation activities would occur. We suggest limiting this application to a maximum of 10 acres because exotic vegetation has significantly altered conditions on the Sacramento River floodplain. This exotic vegetation precludes natural recruitment of native vegetation in most cases.

Response: The following text has been added to page 3, paragraph 3.2 e. of the revegetation report (Appendix C10): "This may be limited to 10 acres or less total area."

These areas are largely intended to provide more edge habitat. Additionally, these areas are not intended for completely passive restoration, rather, native grass would be restored in these areas, leaving native woody vegetation to establish passively with less competition with weedy exotic species. USACE would like to further evaluate this feature with the input of TNC and other learned parties during the detailed design phase of the project. It is the Corps' intention to implement this only to the extent that it maximizes habitat. If the value of this feature is unknown, USACE will implement less than 10 acres total to allow evaluation of the habitat value and potential for reduced costs for restoration arising from this type of feature. If the value of this feature is considered to be negative, this feature would not be implemented.

1-3 The plan identifies seeding of native forbs. Again, due to altered floodplain conditions, perhaps this application should be tested on a small scale before implementation over large acreages.

Response: The following text has been added to page 16 paragraph 5.6: "Success of establishment of Forbs by over-seeding is currently under investigation. If trials of forb over-seeding are sufficiently successful, forbs may be over-seeded in this project. If trials are not indicating success, limited amounts of forb seeding may be done to test potential methods for establishing forbs."

The Corps agrees that implementation of native forb over-seeding over the entire area should only be done if reasonable success can be expected. Also, This project is likely to be phased over a number of years allowing for adaptive implementation of forb over-seeding based on lessons learned from the early phases. As some of the groups doing restoration in the floodplain of the Sacramento River are experimenting with seeding forbs, and the implementation date of this project could be several years into the future, we believe that successful methods to over-seed forbs may be demonstrated prior to project implementation. We would like to leave open the possibility of large-scale implementation of forbs seeding if reasonable success can be expected.

2-1 Are there clear references in the EIR/EIS document to "cumulative Impacts" - particularly as they relate to the relationship of flood control projects proposed or planned for the eastside of the Sacramento River?

Response: As required by both NEPA and CEQA, cumulative impacts are addressed in the EIR/EIS. This discussion is located in Chapter 5, Section 5.5, "Cumulative Effects." Cumulative impacts should consider past, present, and reasonably foreseeable future actions. In accordance with the Water Resource Council's Principles and Guidelines, the future actions considered are only those proposed or planned projects that have been approved or funded for the "with and without-project future condition." The projects you reference have not been approved or funded.

2-2 The eastside stretch of the river has also been the focus of several studies, as well, and your own flood event prediction maps already include that area (Keifer Slough, Pine Creek, and Rock Creek, etc…) for modeling purposes...

Response: The Hydrology Study includes the Sacramento River Valley from the headwaters upstream of Lake Shasta down to the Sacramento River at Hamilton City, and includes contributions from Sacramento Valley "eastside tributaries" and "Westside tributaries." See Appendix C2, "Hydrology Office Report."

The Hydraulics model extended from RM 212 downstream to RM 191. The model extended approximately to the town of Nord on the east and the Glenn Colusa Canal

on the west. See Appendix C3, "Hydraulic Design Document Report" Figure 1 to see an approximate extent of the model.

3-1 Please review FIRM maps for Glenn County.

Response: Comment noted. The study team considered National Flood Insurance Program (NFIP) requirements in the document.

4-1 The statement is made (Summary-3) that the training dike would "...reduce damages from scouring flows." How would it do that? I would suggest that having some native vegetation on the landward side of the dike might help achieve this objective.

Response: The training dike was designed to allow floodwaters to flow around to the landside of the structure from the south. Backwater begins to form behind the training dike as flood levels rise. Backwater is essentially free standing water that has ponded behind the levee with little to no velocity. As flood levels rise, overflow over the training dike plunges into the free standing backwater acting as an energy dissipater that reduces the velocity of the water therefore reducing the scouring flows behind the training dike. Native grasses would be planted on the training dike to reduce erosion from scouring and also serve as a buffer between the restoration area and adjacent agricultural lands. It is described on page 9-13.

4-2 The description of where the setback levee will begin (first paragraph, Summary-4) is unclear to me and is not helped by the diagram in Figure S-1. Please provide a more detailed visual of this element of the Project.

Response: The project maps (Figure S-1 and Figure 9-1) have been modified to include the area where the setback levee would cross County Road 203 at the northern end of the project.

4-3 How was the training dike alignment determined? Is it tied to topography or parcel boundaries? At any rate, I believe that the alignment should be further to the west (basically, heading due south from its beginning).

Response: The training dike was developed to reduce backwater flooding to the community of Hamilton City and reduce the frequency and velocity of flooding to adjacent agricultural lands. Various alignments and heights were analyzed to identify

the alternative that maximized the benefits of reduced flood damages without causing negative hydraulic effects to neighboring landowners.

4-4 Please provide details concerning the BMPs that would be implemented as mitigation for temporary effects to Special Status Species (Summary-9).

Response: Each Special Status Species has it's own set of specific mitigation measures. These measures are described in Chapter 5, Section 5.3.8. The USFWS and NOAA Fisheries are completing their Biological Opinions, on which any more specific BMP's or mitigation measures will be based.

4-5 When will the Project and related environmental review come up before the state sponsor? And who is the state sponsor, by the way? (Put another way, who is responsible for CEQA compliance?).

Response: The Reclamation Board is the non-federal sponsor responsible for the EIR. The State Environmental Specialist is responsible for CEQA compliance. The public comment period for the document (both EIS and EIR) closed on May 24th. The Reclamation Board is scheduled to vote to certify the EIR as being prepared according to the provisions of the California Environmental Quality Act on July 16, 2004.

5-1 Page 4-24 of the DEIR/S describes the agricultural setting of the project site. We repeat our February 2004 recommendation that this section include an Important Farmland Series map for this part of Glenn County to depict the kind, extent and location of agricultural land in the project site and vicinity. This map would complement the existing map of Williamson Act lands, figure 4-2.

Response: A map from the Department of Conservation indicating the Important Farmland Series for the study area has been added to the document in Chapter 4.

5-2 In addition, the section should include a table showing acreage of various agricultural land categories according to the California Department of Conservation's Important Farmland Series definitions.

Response: Acreages of agricultural land categories occurring in the study area have been added to the corresponding text.

5-3 Finally, this section should include definitions of agricultural land used by CEQA, as well as the definition of each category of farmland within the project site (e.g., Prime Farmland).

Response: The definitions of farmland mapping categories in the study area as defined by the Department of Conservation have been included in Chapter 4.

5-4 The Department disagrees with the DEIR/S' conclusion that the adverse environmental impact on agricultural land is "less than significant." (Table 5.1) The DEIR/S incorrectly defines the threshold of significance as the conversion of agricultural lands to uses that would "cause serious degradation of the quality of soils or and/or result in expenditures of substantial development costs that would likely preclude the practicality of future conversion back to agriculture." The DEIR/S also incorrectly states that the project is in compliance with the CALFED ROD.

The CEQA Guidelines state that the loss of agricultural land to a non-agricultural use is a potentially significant environmental impact. This general threshold is based on the California Department of Conservation's Important Farmland Series definitions, which include a combination of both agricultural use and soil quality. The CEQA threshold makes no reference to soil quality degradation or cost to reclaim the converted lands back to agriculture uses...

In fact, this project would result in the conversion of 1,300 to 1,600 acres of Prime, Statewide Important, and Unique Farmland (the CEQA definition of "agricultural land") to non-agricultural uses. This meets the broad test of significance. Appendix G also provides as an optional test of significance, the California Land Evaluation and Site Assessment model developed by the California Department of Conservation. In our February 2004 comments, we recommended that the California LESA model be used to determine the significance of the project's impacts on agricultural land. Indeed, early administrative drafts of the DEIR/S used both federal and state versions of LESA. Both models rendered determinations that the project's impact on agricultural resources is significant. We continue to recommend that the lead agencies work with the Department of Conservation to apply the LESA model to the determination of the project's significance with respect to adverse impacts on agricultural resources.

One of the reasons given by the lead agencies for not using LESA was that it did not account for the benefits of either flood protection provided by the project to other agricultural lands, or to the habitat improvements of the project. This is not a valid argument for discounting the use of LESA. CEQA provides for the analysis of project impacts on biological resources as well as on hydrological impacts in other sections of Appendix G. These sections are where the positive

and adverse impacts of the project on habitat and flooding should be addressed, not in the agricultural resources section. The agricultural resources section of Appendix G is limited to assessing the significance of the project-caused loss of agricultural land resources, and the LESA model is the suggested tool for doing so.

Further, the DEIR/S is an information disclosure document to be used by the lead agency in supporting its decision on project approval. It is the job of the lead agency to weigh and balance the over-all benefits of the project against its adverse impacts; i.e., its impacts on agricultural resources versus its benefits for flood protection and habitat restoration. This is not the job of LESA. Its stated purpose is to assess the project impacts on agricultural resources.

The project, without mitigation measures to address the adverse impacts of the project on agricultural resources, would not be consistent with the CALFED ROD. The ROD commits CALFED to mitigating the adverse impacts of its projects on agricultural land, where feasible, using any number of 31 mitigation measures. However, we did not see that the DEIR/S included measures that would mitigate the loss of agricultural land posed by the project.

Response: The Department of Food and Agriculture's conclusion is based on the assumption that a project, which changes land from a commercial agricultural use to a non-commercial use, creates a per se potentially significant impact within the meaning of CEQA. As explained below, this is a novel legal extension of the California Environmental Quality Act that the lead agency declines to follow.

CEQA requires the disclosure of impacts to the physical environment. In 1993, CEQA was amended to authorize inclusion in the CEQA Guidelines Appendix G of an "optional" methodology for assessing whether an agricultural land conversion could result in a significant effect on the environment. (CEQA, § 21095; "CEQA Guidelines," California Code of Regulations, Title 14, § 150000-15387.) Appendix G is a "checklist" of "sample questions" which aid lead agencies in determining whether a project has the potential to cause significant environmental effects. Importantly, the Appendix G checklist for agricultural resources does not ask a lead agency to determine whether a project will have a potentially significant effect to "agriculture" but "whether potential impacts to agricultural resources are *significant environmental effects*." A 'significant effect on the environment" is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, etc.

An economic or social change by itself is not considered a significant effect on the environment. (CEQA Guidelines, section 15382.) The CEQA Guidelines section on "economic and social effects" states that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment.

An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical change." (CEQA Guidelines, § 15131(a).)

In this case, the change from agricultural use to restored riparian and native grasslands would have a direct positive effect on the physical environment. The loss of agricultural use of the land is an economic and social impact to the agricultural industry that shall not be treated as significant effects on the environment. (CEQA Guidelines Section 15131(a).) The economic or social consequences of the Project would not result in an adverse impact to the physical environment. Therefore, The Reclamation Board concludes that the loss of agricultural use of approximately 1500 acres and the conversion of this land to native vegetation is not a significant adverse impact to the environment within the meaning of CEQA.

Here, the Department of Food and Agriculture's reliance on the Land Evaluation and Site Assessment Model (LESA) to support a finding of significance is misplaced. Again, Appendix G states that "in determining whether there are significant *environmental effects* lead agencies *may* refer to the [LESA] model prepared by the California Dept. of Conservation as an *optional* model to use in assessing impacts on agriculture and farmland." (Emphasis added.)

It is important to note that the LESA Model does not analyze whether there will be potentially adverse significant effects on the environment. It assumes there will be a potentially adverse impact and then rates the impact based on soil criteria, project size, water availability, and surrounding land use information. As such, the LESA model may be useful for determining the level of impact of projects, which are traditionally assumed to create adverse physical impacts (loss of open space, paving of permeable surfaces leading to run-off and potential impairment of water quality, growth-inducing impacts, etc.) such as land development projects. In such an instance the use of LESA is consistent with CEQA and appropriate because land speculation leading to growth is the type of intermediary economic and social "chain of cause and effect" which the CEQA Guidelines acknowledge can create additional adverse physical effects to flora, fauna, etc.

A review of the "LESA" model itself demonstrates that it was, in fact, designed to evaluate the significance of land development type effects. Step 1 of the model includes determining whether the land is "committed" to a nonagricultural use by a "Tentative subdivision map," "Tentative or final parcel map," "Recorded development agreement," or "Other decisions by a local government which are analogous to items #1-3 above and which exhibit an element of permanence" and refers to the "future *development* of the land in question." (*California Agricultural*

Land Evaluation and Site Assessment Model, Instruction Manual, at pgs. 26-27 (California Department of Conservation, Office of Land Conservation, 1997) (Emphasis added).)

Thereafter, the "site assessment" step of the Model requires that lead agencies identify "Protected Resources." A project will be rated as more potentially significant (i.e. have a higher "point rating" in that category) if it is located next to "protected resources." The Model defines "protected resources" as lands "with long term use restrictions that are compatible with or supportive of agricultural uses of land" and defines compatible lands to include "[l]ands with agricultural, wildlife habitat, open space, or other natural resource easements that restrict the conversion of such land to urban or industrial uses." (LESA Model Instruction Manual, p. 28.) Nevertheless, the staff of the Dept. of Conservation encouraged the project proponents to apply the LESA Model experimentally to the Hamilton City habitat restoration project. As a direct result, the lead agency discovered that a model which assumes potentially adverse physical impacts (i.e. land development impacts), and then evaluates the level of those impacts by incorporating economic factors was an improper tool for analyzing a project which, conversely, is designed to create and improve the health of what is defined by the Model itself as "Protected Resources."

When the legislature made the LESA Model an "optional methodology" under CEQA, it was rejecting a "per se" conclusion that all farmland conversion projects would cause potentially significant *environmental* effects. And, in fact, there is not one single judicial decision that can be cited to support the proposition that habitat projects on agricultural land cause per se potentially significant impacts that must be mitigated within the meaning of CEQA. Consistent with the above response, the only judicial decisions requiring mitigation for agricultural land conversions are traditional land development or construction projects.

The lead agency has examined the potential adverse physical impacts of this project and determined they are less than significant. In reaching its conclusions the Department of Food and Agriculture is stating that the project is a physical activity, which it claims will be "adverse" to commercial agriculture by taking land out of production. However, in considering the social and economic concerns raised by the Department of Food and Agriculture the agency finds they are not the intermediary economic and social effects which create a "chain of cause and effect" from one environmentally damaging physical impact to another but are economic and social considerations centered on the perceived value of using land for commercial agriculture versus restoration and preservation. Therefore, the agency declines to adopt the experimental LESA Model findings as an accurate indicator of the significance of potential environmental effects associated with this project. As detailed above, this decision is based on existing law, substantial evidence, and agency expertise.

5-5 The DEIR/S, in its conclusion that the project will not have a significant impact on agricultural land, states that current flooding conditions render the farmland at the project site as less than Prime, Statewide Important or Unique Farmland in quality. If this argument is to have any merit, such impairment of the agricultural use of the land should be reflected on the Department of Conservation's Important Farmland Series maps for Glenn County. If the Department's maps are inaccurate and need to be corrected, this should be taken up with the Department and rectified prior to concluding that the subject agricultural lands are not subject to the CEQA thresholds of Appendix G.

Response: The conclusion in Chapter 5 of the report does not state that flooding conditions on farmlands in the study area should cause these farmlands to be categorized any differently than they are currently. However, one could draw that conclusion from the arguments provided. Regardless, the categorization of farmlands is not a key consideration in the conclusion that the effects on farmlands are not significant.

5-6 The DEIR/S does not include a "working landscape" alternative; i.e., an alternative that explores a 1,300-acre project site that integrates economic uses, such as floodplain compatible agriculture, with habitat restoration and flood protection. This would be consistent with state policy. The Department of Water Resources administers the Floodplain Corridor Protection Program, which administers grants for floodplain projects that seek to integrate floodplain protection with continuing agricultural uses and habitat restoration. We recommend that the final EIR/S include a working landscape alternative.

Response: The Corps of Engineers has specific missions to reduce damages from flooding and to restore ecosystems of the nation. In order to maximize potential benefits, the alternative formulation methodology included restoring all lands waterside of a setback levee. Reducing the amount of habitat restoration associated with the alternative plans would reduce the ecosystem restoration accomplishments of the alternatives and, in our judgment, would render them unjustified. The project contributes to the region's agricultural productivity by providing increased and more reliable flood protection to agricultural lands landside of the recommended setback levee.

The DWR Floodplain Protection Corridor Program is for local governments and non-profit organizations to implement non-structural flood management projects that include wildlife enhancement and/or agricultural land preservation, and grants are not to exceed $5 million. In the project area, a non-structural flood management project could not adequately address either the flood management or the restoration objectives of the project.

5-7 The DEIR/S does not present an adequate treatment of the cumulative impact of the project on agricultural resources. The document should include a review of past flood and habitat restoration projects that have occurred along the Sacramento River corridor that have converted agricultural land to non-agricultural uses. The Farmland Mapping and Monitoring Program has been tracking agricultural land conversion for 20 years. This period of time would, therefore, be a practical bracket for analyzing the retrospective component of the project's cumulative impacts. Similarly, other flood control and habitat projects along the Sacramento River that have been proposed, and that are concurrently under review for approval, should be included in this analysis.

Response: The Cumulative Impact analysis includes consideration of past, present and reasonably foreseeable future actions (NEPA) and foreseeable probable future projects (CEQA). The Draft EIS/EIR Chapter 5, Section 5.5 Cumulative Effects, describes the projects that have been implemented in the study area. The flood protection projects in the study area have protected farmlands. Recent farmland conversion statistics from Department of Conservation were used for the analysis. The analysis also characterizes the proposed conversion of agriculture in the context of Glenn County (conversion of between 0.29 and 0.35 percent of farmland in Glenn County). For purposes of the cumulative effect analysis, reasonably foreseeable and foreseeable probable future projects are defined as being projects that are authorized or funded for implementation. To consider projects in the planning stage is speculative and the burden of disclosing cumulative impacts will be on each of those projects, if they are authorized or funded.

5-8 Also, for the sake of documenting cumulative impacts of the project, past and foreseeable conversion of agricultural land by urbanization in the vicinity of the project should be characterized, based on past urbanization trends, Department of Finance projections and land use planning policies.

Response: Between 1998 and 2000, 137 acres of prime farmlands and 223 acres of other important farmland were converted to urban uses in Glenn County. The Draft EIS/EIR, Chapter 4, Figure 4-4 shows the existing urban limit line for Hamilton City. Prime farmland currently occurs within this boundary. How much of this prime farmland will be converted for urban use in the future and when it would be converted will depend upon many factors. However, it is reasonable to assume that much of it will be converted at some point in time. If land currently zoned for urban development is to be converted to urban uses, those projects would need to comply with environmental laws to evaluate potential effects. The proposed project would not affect growth trends within the existing urban limits. Nevertheless, future urban growth of Hamilton City would contribute to the cumulative effects on agricultural

lands. This information has been added to the "Cumulative Effects" section of the EIS/EIR.

5-9 **<u>Growth Inducing Effects</u>. The DEIR/S notes that the proposed levee would provide less than the 100-year level of protection under FEMA standards. The document then concludes that the project would not be growth inducing because it "would not alter the regulation of land use in the floodplain pursuant to the National Flood Insurance Program." This conclusion needs to be better documented. It would seem that any improvement in flood protection over the existing protection could have growth-inducing impacts since the final land use approval authority is Hamilton City, the National Flood Insurance Program notwithstanding. We recommend that the final EIR/S discuss local land use policies that would affect the development potential of agricultural lands around the City, and how those policies would prevent increased flood protection from having growth-inducing impacts on adjacent agricultural land.**

Response: Much of the undeveloped area within the urban growth limits of Hamilton City is outside of the limits of the FEMA 100-year floodplain (Figure 4-3, Urban Limit Line: Hamilton City Area, is now Figure 4-4 and has been modified to include the FEMA Floodplain Boundary). Thus, the City has adequate room for growth regardless of whether they can get additional flood protection. One of the most recent developments within Hamilton City occurred in an area near the eastern boundary of the City, within the 100-year floodplain, but included the requirement to place structures on pads that raised the structures out of the floodplain. This kind of development is indicative that the growth of the City is not seriously constrained by the limits of the 100-year floodplain. Since areas within the FEMA 100-year floodplain can be developed under existing conditions, and since most of the undeveloped areas are currently outside of this floodplain, it is reasonable to conclude that the increased level of flood protection provided by the proposed project would have little to no effect on growth.

Of the land that is currently zoned for urban development, lands north of Highway 32 that are bound on the west by the railroad spur and on the east by the recommended setback levee are currently in agricultural production and are classified as prime farmland. That land is currently owned by TNC but is not planned for restoration as part of the recommended project. It is uncertain at this time what TNC will do with that parcel of land. The future of that land is not dependent upon a project, although construction of a setback levee would provide it with improved flood protection.

Lands west of the Glenn-Colusa Canal that are zoned for urban development are not benefited by the recommended project and would consequently not be affected by the improved protection from flooding that would be realized east of the canal.

Lands to the south of the existing urban development are largely outside of the FEMA 100-year floodplain. Therefore, the project would not increase the development potential of these lands.

This information has been added to the report in Chapter 5, Growth-Inducing Effects.

5-10 …we recommend that how the level of flood protection influences land development under FEMA regulations, be elaborated upon in the final EIR/S.

Response: The 100-year flood, which is the standard used by most Federal and state agencies, is used by the National Flood Insurance Program (NFIP) as the standard for floodplain management and to determine the need for flood insurance. Glenn County, including the unincorporated area of Hamilton City, participates in the NFIP. Existing structures on lands that are within the FEMA regulated 100-year floodplain must pay flood insurance. New structures on lands that are within the FEMA regulated 100-year floodplain must be raised to or above the 100-year floodplain elevation. The Reclamation Board has adopted a Designated Floodway for Glenn County that includes the 100-year floodplain. The Board has jurisdiction over the area within the designated floodway boundaries and regulates encroachments through its encroachment permit process. The Board's designated floodway and the FEMA 100-year regulatory floodway would be similar but may not be identical. The proposed levee would be located on the waterside of the western limit of the designated floodway. As the project will not provide 100-year protection, the designated floodway boundaries will not be affected by the project and the Board will continue to regulate encroachments within the designated floodway. Lands outside of both the Board's designated floodway and the FEMA 100-year regulatory floodplain are subject to local development policies. An area with better flood protection than another area could be considered more desirable for development.

5-11 In our May 2004 comment letter on the project, we recommended that the potential indirect impacts of the project on adjacent farmlands be discussed and, as necessary, mitigated. As detailed in the May comment, examples of such impacts could include depredation of crops from wildlife drawn to the project, limitation on agricultural practices due to the proximity of protected wildlife habitat, spread of weeds from the retired lands of the project site, seepage, etc.

Response: The third bullet on page 9-13 of the draft document states: "The tentatively recommended plan includes a buffer from the landside toe of the levee to the waterside restoration plantings that will be planted with native grasses which are compatible with both farming and habitat restoration objectives. … The planting plan includes limiting the area of planting elderberries on areas adjacent to agricultural fields. The width of the elderberry buffer would be 300 feet, consistent with the

current TNC "good neighbor" practices. It is anticipated that the restoration plan will allow the non-Federal sponsor to remove elderberries under 1-inch diameter from the buffer strip…". During the next phase of the project ("Preconstruction, Engineering and Design" or PED), an Operations and Maintenance (O&M) Manual would be developed that lists noxious species that would not be allowed to become established in the restoration areas.

5-12 One of the mitigation measures of the CALFED ROD … is the use of agricultural land conservation easements. We recommend that this mitigation measure, as well as the use of working landscape elements (see Alternatives, above), be considered as at least partial mitigation of the project's direct, growth-inducing and cumulative impacts on agricultural land.

The CALFED ROD lists 30 other measures that should be considered in mitigating CALFED project impacts on agricultural land. In our February 2004 comment letter, we listed nine measures from the list of 31 that we specifically recommended for your consideration in the DEIR/S. We continue to recommend that at least these measures be discussed and considered in the final EIR/S.

Response: The project will not have a significant effect on agricultural lands as defined by CEQA. Nevertheless, the development of alternatives considered the measures listed in the CALFED ROD. The following statement can be found in Chapter 9 and is followed by a description of how the project is consistent with 12 of the specific measures listed in the ROD:

> *"Because this project is intended to be consistent with the CALFED ROD, the Corps and the Reclamation Board considered the strategies described in the ROD, Attachment A, in developing the project description and the alternatives. In addition, the agencies considered the programmatic commitments related to implementation of CALFED actions to ensure that this project would be consistent with the ROD. The project would be consistent with both specific measures in the in the ROD, as well as programmatic commitments related to implementation of CALFED actions to ensure that this project would be consistent with the ROD."*

For this project area, the use of agricultural land conservation easements and working landscapes elements would not provide the benefits that would be necessary to justify the project. Therefore, these measures were not adopted.

6-1 Summary Page 4, "Some modification of the existing boat ramp may be required". Some modification of the boat ramp and associated facilities will be required. (As delineated in alternative 6, raising the levee and covering the existing park

landscaping and parking area with a levee will require the replacement of impacted parking and associated landscaping. The project may require replacement of the existing boat ramp, roads, and associated structures depending upon final levee design.)

Response: Through coordination with the Department of Parks and Recreation, Alternative 6 was aligned to minimize effects to existing facilities. Any structures removed, moved, or otherwise impacted by the project will be replaced as an integral part of the project. The word "may" has been changed to "would" in the document.

6-2 Page 8-9, " Federal Water Project Recreation Act". There are opportunities for this project to enhance recreation. The project could add additional parking and camping on lands adjacent to Irvine Finch River Access. The opportunity exists for cost sharing of these recreation enhancements adjacent to the Irvine Finch River Access owned and operated by the State of California, Department of Parks and Recreation. Up to 250 additional day use and boat parking spaces, and a campground (with 50 family campsites and 3 group sites) could be developed on adjacent lands impacted by the project.

Response: Recreation elements were initially investigated as a part of the project. The recreation plan that was developed was dropped due to the complicated nature of including more than two objectives, the increased cost for the recreation elements, the lack of a recreation sponsor, a separate and ongoing recreation project, and the potential slip in the project schedule that would have resulted from including this additional project purpose. The stakeholders and project partners considered this unacceptable. The recreation plan that was developed is still available for potential development as a separate project by stakeholders if and when a sponsor is identified.

6-3 Page 5-45, "Mitigation measures"…"These effects shall be minimized through…redirection to the nearest comparable facility within the proposed project effected area". Unfortunately, no comparable facilities exist for launching boats in the Sacramento River in the vicinity of Chico. The nearest comparable ramp downstream is Ord Bend (River Mile 184), and upstream the next ramp is at Woodson Bridge (River Mile 218). The Woodson Bridge ramp is frequently closed due to silt build-up. The next comparable ramp upstream is Red Bluff (River Mile 243). The two nearby ramps are Scotty's and Pine Creek. Both of these ramps are severely restricted. The ramp at Scotty's Boat Landing is substandard and without parking. The ramp at Pine Creek is substandard with very limited parking and a very shallow channel to the river.

Response: Recreation impacts will be temporary and would only occur during construction windows. Other recreation facilities, however further away and not of as high quality, are still available for recreational use during the limited time of construction. In addition, Scotty's Bar has been upgraded and has a completely renovated boat launching facility. Best Management Practices will be implemented to minimize any potential impacts to recreation to the least amount possible. These impacts have been assessed to be less than significant.

6-4 The recreation mitigation suggested in the report "Provide notice and signage to redirect use" is insufficient. We suggest that every effort be made to keep the existing boat ramp and parking at Irvine Finch open to boaters during the salmon fishing season (fall and winter), and limit any boat ramp closures to short periods during other times of the year. Temporary river access, temporary boat launching and temporary parking should be maintained during the construction period. The boat ramp is extremely busy during the fall salmon fishing season. During the prime fishing season, it would be inexcusable to close the ramp, or severely limit parking.

Response: As a part of recreational Best management Practices, facilities will be left open whenever possible for recreational use. Only when absolutely necessary will the facilities be closed and the public redirected to other facilities (see answer to 6-3). The construction windows are in spring and summer and would not affect prime fishing seasons, which occur during the fall and winter.

7-1 The Board has accepted the TAC (Technical Advisory Committee) recommendation that the Hamilton City Project meets the principles and guidelines outlined in our Handbook, and the information presented in the Draft FR/EIS/EIR is accurate and acceptable.

Response: We appreciate the TAC's comments and their assistance in coordinating the communication between agencies and the public to develop the best project possible for Hamilton City.

8-1 This community has a very low median and mean income and $1.8 million … is a lot of money to share among a thousand households; and then another … $100,000 a year, $145,000 a year to share among a thousand households is a lot of money.

Response: The local community will vote to develop a levee maintenance district to help pay for the O&M of the levee.

8-2 …there is habitat, coyotes, birds, all sorts of habitat that lives in that canal on those ditches, banks.

Response: The terrestrial habitat that exists within the dredged material disposal area is very low quality habitat composed mostly of low-density, ruderal vegetation. Any wildlife utilizing the dredge material disposal area is getting only a small portion of their habitat needs met on this site. The area may be used as a movement corridor or for resting by some bird species. Wildlife will temporarily use other areas during construction and can return to utilize the area once construction is complete.

8-3 …(the dredged material along the canal) serves as a sound breaker for the homes there.

Response: Any excess dredge material can be left in place to serve as a noise barrier from Highway 45.

8-4 It (the dredged material along the canal) also serves as a flood control for Colusa Canal in the winter when it floods.

Response: The dredge material was not designed to be utilized as a flood control barrier and would not function well in this capacity. Furthermore, we would expect that floodwaters would generally approach the Colusa Canal from the east. Since most of the dredged material is on the west side of the canal, it would not provide any protection from this flooding. Finally, the proposed project would provide more flood protection to the Colusa Canal than the existing dredged material berm.

8-5 …leave it (the dredged material along the canal) so it looks nice because right now they go in there and remove the dirt, they track it everywhere and it looks horrible…

Response: Best Management Practices (BMPs), such as the wetting of dredge material, will be utilized as a part of this project to minimize dirt or dust that may be stirred up during the moving of the fill material. After removal of needed material, the borrow site would be graded and seeded, if necessary to minimize erosion from the site.

9-1 The local district (should) have access to the land as park area …If we are going to be asked to pay for this through the levee district, … we should have access to it.

Response: There are both Department of Fish and Game and U.S. Fish and Wildlife areas totaling over 1,000 acres in the restoration area. The mission of both of these

agencies includes public access and use of their lands. These lands will continue to be available for public use. No new roads are included in the other restoration areas as a part of this project due to public objection of neighbors next to the restoration areas. Road 23 will continue to remain open and public access will continue to be available through this roadway. Also, see response to comment # 6-2.

10-1 The project proponent may need to apply for a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers. A Section 404 permit is required for activities involving a discharge of dredged or fill material to waters of the United States.

Response: As explained in Section 8.1.6: "Although the Corps does not issue itself permits for its own Civil Works projects, Corps regulations state that the Corps does have to comply with the intent of the Regulatory permitting process and must apply the guidelines and substantive requirements of Section 404 to its activities." The Corps has determined that this project as proposed is consistent with the Section 404(b)(1) guidelines and in compliance with the Clean Water Act.

10-2 Projects requiring a Section 404 permit also require a water quality certification (pursuant to Section 401 of the Clean Water Act) verifying that the project does not violate State water quality standards. A water quality certification is required for any project that impacts water of the State (such as streams and wetlands).

Response: Section 404 (r) of the Clean Water Act waives the requirement to obtain state water quality certification for Corps Civil Works projects if certain criteria are met. As explained in Section 8.1.6: "The Corps has determined that this project as proposed . . . meets the Section 404(r) exemption criteria. The Corps plans to seek an exemption during the next phase of the project ("Preconstruction, Engineering and Design" or PED) from the requirement to obtain State water quality certification under section 404(r) of the Clean Water Act."

10-3 Should the U.S. Army Corps of Engineers determine that isolated wetlands exist at the project site and should the project impact or have potential to impact the isolated wetlands, a Report of Waste Discharge and filing fee must be submitted prior to commencing the construction activity.

Response: The tentatively selected plan would not affect any isolated wetlands. If plans should change, and Alternative 5 becomes the selected plan, a Report of Waste Discharge and filing fee would be submitted to the Regional Water Quality Control Board prior to commencing construction.

10-4 A Construction Activities Storm Water Permit is required for storm water discharges associated with a construction activity where clearing, grading, and excavation result in a land disturbance of one acre or more.

Response: A Construction Activities Storm Water Permit would likely be required and would be obtained prior to construction

10-5 A dewatering permit, General Order for Dewatering and Other Low Threat Discharges to Surface Water, may be required for construction activities.

Response: Corps construction representatives will coordinate with the Regional Water Quality Control Board prior to construction to determine whether a dewatering permit will be required. If required, the permit will be obtained prior to construction.

10-6 Construction dewatering discharges that are contained on land are allowed under a general waiver adopted under Regional Board Resolution No. R5-2003-0008, provided the following conditions are met: (1) the dewatering discharge is of a quality as good as or better than underlying groundwater; and (2) there is a low risk of nuisance.

Response: Corps construction representatives will coordinate with the Regional Water Quality Control Board prior to construction to determine whether this waiver would be applicable to construction activities.

11-1 … the report presents that the Alternative 6 is the NER plan that is most cost effective and that adding the flood damage reduction increment where Average Levee Height = 7.5 feet for the Combined Alternative 6 (given the restriction on project performance where conditional non-exceedance probabilities are not allowed to be greater than 90% for the 1/75 event or less than 90% for the 1/125 event) optimizes incremental net benefits. Based on the report, the Combined Alternative 6 is the best NED-NER plan.

Response: Comment noted.

11-2 Alternative 3 is incorrectly identified as the least cost single purpose (NER) plan.

Response: Identification of the least cost single purpose plan (ecosystem restoration plan) requires that the plan identified (1) produce the same level of non-monetary output as would be provided by the multipurpose project; (2) be cost effective when compared to other single purpose plans, but not necessarily more cost effective than the multipurpose plan; and (3) be a dissimilar project. The third criteria is somewhat subjective, depending on the interpretation of "dissimilar" project. The intention of the guidance is that a dissimilar project be a project that is fundamentally different than the multipurpose project. The Corps determined that Ecosystem Alternatives 5 and 6 (National Ecosystem Restoration plan) are fundamentally too similar to Combined Alternative 6 to serve as the least cost single purpose ecosystem restoration plan.

Table 3-7 depicts information for the Preliminary Array of Combined Alternative Plans; it is not appropriate to take flood damage reduction benefits into consideration when identifying the least cost single purpose plan for ecosystem restoration.

11-3 It appears that the only risk-based measure of with project performance was limited to defining the event that meets a Conditional Non-Exceedance Probability (CNP or as described in the report as reliability) of 90%. Why were Annual Exceedance Probabilities (AEP) and Long Term Risk excluded from the with project reporting?

Response: In order to present risk statistics so that the general public could understand them, the statistic used by FEMA for conditional non-exceedance probability was presented in the main report. All of the other HEC-FDA generated project performance statistics for the without-project and the with-project conditions are summarized in Tables 31 and 32 of Appendix E - Economics.

11-4 **Was HEC-FDA used in the analysis? Can this information be found in any appendices and if so can you reference these sources in the Main Report?**

Response: The Hydrologic Engineering Center's Flood Damage Analysis (HEC-FDA) computer program was used in the flood damage analysis, as described in Appendix E (Economics). HEC-FDA was designed to assist Corps of Engineers study team members in using risk-based analysis methods for flood-damage-reduction studies as required by the Corps (EM 1110-2-1419). The approach explicitly incorporates descriptions of uncertainty of key parameters and functions into project benefit and performance analyses. Appropriate references to the Economics Appendix have been added to the main report.

12-1 The document mentions that an adjacent 157-acre parcel of land currently owned by The Nature Conservancy may be under consideration for a permanent agricultural easement. Please do not hesitate to contact the Division of Land

Resource Protection as we may be of assistance in the establishment of such an easement.

Response: The comment will be passed on to The Nature Conservancy.

12-2 Even with implementation of the mitigation measures, there remains a net loss of approximately 1,500 acres of agricultural lands, which, as the agency in California state government statutorily charged with monitoring farmland conversion, we consider to be a significant environmental impact.

Response: We do not concur that the loss of 1500 acres of agricultural lands is a significant environmental impact. If this were a loss of agricultural lands to urbanization, it would be considered a significant environmental impact. However, conversion of agricultural lands to native habitat would have a beneficial effect on the environment. There is an adverse economic effect associated with conversion for any purpose. However, in this case, the adverse economic effect is offset by the beneficial economic effect of the project.

The criteria used to determine significance recognize the value of soil resource for agricultural production. Future generations may have different priorities and may have a need to return lands to agricultural production. Lands in native habitat would be much more economical to return to production than lands that have been developed for urban uses. In fact, the quality of the soil resource would likely be improved by the conversion to native habitat. The criteria used in this evaluation allow consideration of the permanency of the conversion.

Please refer to the response to comment 5-4.

12-3 The majority of these lands (land to be restored) are currently under Williamson Act contract and within a Farmland Security Zone. Please contact the Division and the County for information regarding contract termination requirements.

Response: The project non-Federal sponsor, the Reclamation Board of the State of California, is responsible for all lands, easements, rights-of-way, relocations and disposal sites (LERRDs). The non-Federal sponsor will have the task of ensuring that all project lands are available and legally unencumbered in order for the project to be constructed.

12-4 As replacement of land is not possible, even with the mitigation measures, the lead agencies may wish to consider adopting a statement of overriding considerations at the time of certifying the environmental document.

Response: Since the effect to farmlands is not considered significant, no mitigation would be required and no statement of overriding considerations would be necessary.

12-5 The document provides a discussion in the Summary that concludes that the use of the LESA model is inappropriate for this project. The rationale provided in the discussion emphasizes that soil quality is the primary factor to consider, when it is just one of the factors. The discussion also appears to be inconsistent with the federal rating system. Regardless of whether or not an agency opts to utilize the model, if the reasons for not using it are included in the document, it is important that the rationale be appropriately and correctly reflected.

Response: The discussion in the Summary about why the LESA is inappropriate for restoration projects, such as the subject project, indicates that there are many important factors that the model does not take into consideration. These include: that restoration projects actually provide a benefit to soils; that restoration of agricultural lands can be reversed much more easily than conversion to urban use; that the agricultural economy would benefit from increased flood protection; and that agricultural lands located close to the river are subject to seepage, erosion, and flooding which reduces their value for agriculture. Section 5.3.10 of the report includes more detail on this subject.

The rationale for concluding that the LESA model is inappropriate for use in evaluating this project is not at all inconsistent with the federal rating system. The federal rating system does not provide any guidelines for determining significance. As stated in Section 5.3.10 of the report, "*According to the Farmland Protection Policy Act, farmland receiving a rating less than 160 need not be given further consideration for protection, and alternative actions do not need to be considered. The US Department of Agriculture recommends that sites receiving scores totaling 160 or more be given increasingly higher levels of consideration for protection. Alternatives were considered, but all alternatives had similar ratings. Project objectives constrained the consideration of alternative locations for the project.*" The Corps determined that this level of consideration for protection was appropriate for lands with a score of 170 out of a possible 260.

13-1 In our review of the document we found that the DEIS sufficiently addresses the environmental impacts of the proposed alternative. EPA has rated this document "*Lack of Objections*" (LO). … Our rating reflects our overall view of the adequacy of the document.

Response: We appreciate the EPA's review of the project document and concurrence with the assessment and resultant "Lack of Objections" for the EIS/EIR.

The Nature Conservancy
SAVING THE LAST GREAT PLACES ON EARTH

Northern Central Valley Office
500 Main Street
Chico, CA 95928-5614

tel [530] 8976370
fax [530] 342.0257
nature.org

May 12, 2004

RE: Comments to the Hamilton City Draft EIR/EIS and Feasibility Study

Ms. Erin Taylor
U.S. Army Corps of Engineers,
Sacramento District
Environmental Resources Branch
1325 J Street
Sacramento, CA 95814-2922

Dear Ms. Taylor,

The Nature Conservancy applauds the Army Corps of Engineers, and the State Reclamation Board as the non-federal sponsor of the project, for completing the Draft Feasibility Study and EIR/EIS. The Hamilton City Ecosystem Restoration and Flood Damage Reduction Project provides an excellent opportunity to form new partnerships and serve multiple Sacramento River stakeholders and other interests. We feel the team struck a good balance among diverse goals with the preferred plan. We are very supportive of the project and look forward to implementation. Our comments are limited to revegetation aspects of the project.

Consistent with CALFED Ecosystem Restoration Program principles, we have used a long-term (10 yr.) monitoring program, conducted by the Point Reyes Bird Observatory (PRBO), as a primary component of our adaptive management feedback loop. We use information generated by our research partners to guide restoration implementation. Over the years, PRBO supplied numerous recommendations, which we then incorporated into implementation practice to maximize wildlife benefit and ecosystem function within restoration sites. One of PRBO's first recommendations suggested denser restoration plantings better serving our migratory bird conservation targets. In addition, we continue to investigate wildlife and habitat relationships, and further quantify vegetation characteristics with researches at California State University Chico and elsewhere. These researchers quantified an average density of 323 plants per acre for existing riparian forest from 9 sites. Six of these research sites are within the project area.

I-1 As a result of the adaptive management feedback loop and continuing research, we now plant densities ranging from 200-360 plants per acre, depending on vegetation community. We recommend you increase the planting density per acre of the project area to the ranges specified above in order to more closely meet the needs of conservation targets and mimic ecosystem function.

I-2 Secondly, the plan includes "passive restoration" areas where no revegetation activities would occur. We suggest limiting this application to a maximum of 10 acres because exotic vegetation has significantly altered conditions on the Sacramento River floodplain. This exotic vegetation precludes natural recruitment of native vegetation in most cases.

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I-3 Lastly, the plan identifies seeding of native forbs. Again, due to altered floodplain conditions, we suggest a small scale pilot application of seeded native forbs prior to implementation over large acreages.

Sincerely,

Mike Roberts
Project Manager/Hydrology
The Nature Conservancy

Public Workshop Comment Card

Hamiton City Flood Damage Reduction
And Ecosystem Restoration, California

Sacramento and San Joaquin River Basins
Comprehensive Study

Name: Sharon Wallace

2-1 Are there clear references in the EIR/EIS document to "Cumulative impacts" particularly as they relate to the relationship of flood control projects proposed or planned for the eastside of the Sacramento River?

2-2 The eastside stretch of the river has also been the focus of several studies, as well, and your own flood event prediction maps already include that area (Keefer Slough, Pine and Rock Creeks, etc) for modeling purposes, as I understand it.

U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

FEMA

May 10, 2004

U.S. Army Corps of Engineers, Sacramento District
Attn: Ms. Erin Taylor
Environmental Resources Branch
1325 J Street
Sacramento, California 95814-2922

Dear Ms. Taylor:

This is in response to the draft Feasibility Report and Environmental Impact Statement/Environmental Impact Report for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project, California.

3-1 Please review the current effective Flood Insurance Rate Maps (FIRMs) for Glenn County dated September 3, 1980. Please note that Glenn County is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in the Code of Federal Regulations #44, Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development,*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise in permitted within regulatory floodways.

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement

due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with CFR44, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/mit/tsd/dl_mt-2.htm

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements, which are more restrictive than the minimum federal standards describe in CFR #44. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Glenn County floodplain manager can be reached by calling Dan Gardner at 916-934-6545

If you have any questions or concerns, please do not hesitate to call Anna Davis of my staff at 510-627-7029.

Sincerely,

Michael Shore
Branch Chief
Community Mitigation Programs

cc:
Dan Gardner, Glenn County Building Inspector

Sandro Amaglio, FEMA Region IX Environmental Officer

Taylor, Erin A SPK

From: Taylor, Erin A SPK
Sent: Tuesday, May 25, 2004 8:14 AM
To: Compstudy SPK
Subject: FW: Comments From John Merz on Hamilton City draft FR/EIS/EIR

-----Original Message-----
From: John Merz [mailto:jmerz@inreach.com]
Sent: Monday, May 24, 2004 2:52 PM
To: Taylor, Erin A SPK
Subject: Comments on Hamilton City draft FR/EIS/EIR

Erin,

The Trust would like to make the following comments on the Draft Feasibility Report and Environmental Impact Statement/Environmental Impact Report (Draft FR/EIS/EIR) for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Pproject (Project):

4-1

1). The statement is made (Summary-3) that the training dike would "...reduce damages from scouring flows." How would it do that? I would suggest that having some native vegetation on the landward side of the dike might help achieve this objective.

4-2

2). The description of where the setback levee will begin (first paragraph, Summary-4) is unclear to me and is not helped by the diagram in Figure S-1. Please provide a more detailed visual of this element of the Project.

4-3

3). How was the training dike alignment determined? Is it tied to topography or parcel boundaries? At any rate, I believe that the alignment should be further to the west (basically, heading due south from its beginning).

4-4

4). Please provide details concerning the BMPs that would be implemented as mitigation for temporary effects to Special Status Species (Summary-9).

4-5

5). When will the Project and related environmental review come up before the state sponsor? And who is the state sponsor, by the way? (Put another way, who is responsible for CEQA compliance?).

The Trust looks forward to your response to our comments and asks to be kept informed of any and all future activity concerning the Project.

Sincerely,

John Merz
President
Sacramento River Preservation Trust
PO Box 5366
Chico, CA 95927
530-345-1865 (Phone)
530-899-5105 (Fax)
jmerz@sacrivertrust.org

State of California

Memorandum

To: Ms. Annalena Bronson
The Reclamation Board
3310 El Camino Ave., LL-40
Sacramento, CA 95821

Date: May 24, 2004

Place: Sacramento

Phone: (916) 6574956

From: **Department of Food and Agriculture** Kenneth E. Trott, Acting Director
Office of Agricultural and Environmental Stewardship

Subject: Draft Feasibility Study and Draft Environmental Impact Report/Study (DEIR/S) for the Hamilton City Ecosystem Restoration and Flood Control Project - **SCH 2002122043**

The California Department of Food and Agriculture (Department) has reviewed the DEIR/S for the Hamilton City Ecosystem Restoration and Flood Control Project. The Department is responsible for protecting and promoting California agriculture and the resources upon which agriculture depends. The Department is also a member of the California Bay Delta Authority, where, consistent with the CALFED Record of Decision (ROD), supports a balanced implementation of the CALFED program. One way that the Department supports this goal is through its staff support of the Bay-Delta Public Advisory Committee's Working Landscape Subcommittee. The Subcommittee's work plan identifies actions that seek to integrate agricultural land conservation into CALFED projects. Also, the Department routinely reviews CEQA and NEPA documents for their impacts on agricultural resources. Based on these responsibilities and authorities, we offer the following comments on the Hamilton City project.

The proposed project would increase the flood protection and restore wildlife habitat near Hamilton City, along the Sacramento River in Glenn County. The project would include a nearly 6-mile setback levee and convert approximately 1,300 to 1,600 acres of Prime, Statewide Important and Unique Farmlands to habitat. The Department previously commented on the administrative draft and has met with lead agency staff to review these comments. The following comments reflect outstanding concerns of the Department with the DEIR/S.

For the sake of time and space, we refer you to our February 2004 comments (attached) on the administrative draft of the DEIR/S for greater detail on issues raised in the following comments.

Site Description

5-1 5-2 5-3 Page 4-24 of the DEIR/S describes the agricultural setting of the project site. We repeat our February 2004 recommendation that this section include an Important Farmland Series map for this part of Glenn County to depict the kind, extent and location of agricultural land in the project site and vicinity. This map would complement the existing map of Williamson Act lands, figure 4-2. In addition, the section should include a table showing acreage of various agricultural land categories according to the California Department of Conservation's Important Farmland Series definitions. Finally, this section should include definitions of agricultural land used by CEQA, as well as the definition of each category of farmland within the project site (e.g., Prime Farmland).

Significant Environmental Impact: Loss of Agricultural Land

5-1 The Department disagrees with the DEIR/S' conclusion that the adverse environmental impact on agricultural land is "less than significant." (Table 5.1) The DEIR/S incorrectly defines the threshold of significance as the conversion of agricultural lands to uses that would "cause serious degradation of the quality of soils or and/or result in expenditures of substantial development costs that would likely preclude the practicality of future conversion back to agriculture." The DEIR/S also incorrectly states that the project is in compliance with the CALFED ROD.

The CEQA Guidelines state that the loss of agricultural land to a non-agricultural use is a potentially significant environmental impact. This general threshold is based on the California Department of Conservation's Important Farmland Series definitions, which include a combination of both agricultural use and soil quality. The CEQA threshold makes no reference to soil quality degradation or cost to reclaim the converted lands back to agriculture uses. This is an invented threshold that, if it has any applicability in CEQA at all, would be most suitable in the "Geology and Soils" section of CEQA Guidelines, Appendix G.

In fact, this project would result in the conversion of 1,300 to 1,600 acres of Prime, Statewide Important, and Unique Farmland (the CEQA definition of "agricultural land") to non-agricultural uses. This meets the broad test of significance. Appendix G also provides as an optional test of significance, the California Land Evaluation and Site Assessment model developed by the California Department of Conservation. In our February 2004 comments, we recommended that the California LESA model be used to determine the significance of the project's impacts on agricultural land. Indeed, early administrative drafts of the DEIR/S used both federal and state versions of LESA. Both models rendered determinations that the project's impact on agricultural resources is significant. We continue to recommend that the lead agencies work with the Department of Conservation to apply the LESA model to the determination of the project's significance with respect to adverse impacts on agricultural resources.

One of the reasons given by the lead agencies for not using LESA was that it did not account for the benefits of either flood protection provided by the project to other agricultural lands, or to the habitat improvements of the project. This is not a valid argument for discounting the use of LESA. CEQA provides for the analysis of project impacts on biological resources as well as on hydrological impacts in other sections of Appendix G. These sections are where the positive and adverse impacts of the project on habitat and flooding should be addressed, not in the agricultural resources section. The agricultural resources section of Appendix G is limited to assessing the significance of the project-caused loss of agricultural land resources, and the LESA model is the suggested tool for doing so.

Further, the DEIR/S is an information disclosure document to be used by the lead agency in supporting its decision on project approval. It is the job of the lead agency to weigh and balance the over-all benefits of the project against its adverse impacts; i.e., its impacts on agricultural resources versus its benefits for flood protection and habitat restoration. This is not the job of LESA. Its stated purpose is to assess the project impacts on agricultural resources.

The project, without mitigation measures to address the adverse impacts of the project on agricultural resources, would not be consistent with the CALFED ROD. The ROD commits CALFED to mitigating the adverse impacts of its projects on agricultural land, where feasible,

using any number of 31 mitigation measures. However, we did not see that the DEIR/S included measures that would mitigate the loss of agricultural land posed by the project.

Prime, Statewide Important and Unique Farmland?

5-5 The DEIR/S, in its conclusion that the project will not have a significant impact on agricultural land, states that current flooding conditions render the farmland at the project site as less than Prime, Statewide Important or Unique Farmland in quality. If this argument is to have any merit, such impairment of the agricultural use of the land should be reflected on the Department of Conservation's Important Farmland Series maps for Glenn County. If the Department's maps are inaccurate and need to be corrected, this should be taken up with the Department and rectified prior to concluding that the subject agricultural lands are not subject to the CEQA thresholds of Appendix G.

Alternatives

5-6 The DEIR/S does not include a "working landscape" alternative; i.e., an alternative that explores a 1,300-acre project site that integrates economic uses, such as floodplain compatible agriculture, with habitat restoration and flood protection. This would be consistent with state policy. The Department of Water Resources administers the Floodplain Corridor Protection Program, with administers grants for floodplain projects that seek to integrate floodplain protection with continuing agricultural uses and habitat restoration. We recommend that the final EIR/S include a working landscape alternative.

Cumulative Impacts

5-7 The DEIR/S does not present an adequate treatment of the cumulative impact of the project on agricultural resources. The document should include a review of past flood and habitat restoration projects that have occurred along the Sacramento River corridor that have converted agricultural land to non-agricultural uses. The Farmland Mapping and Monitoring Program has been tracking agricultural land conversion for 20 years. This period of time would, therefore, be a practical bracket for analyzing the retrospective component of the project's cumulative impacts. Similarly, other flood control and habitat projects along the Sacramento River that have been proposed, and that are concurrently under review for approval, should be included in this analysis.

5-8 Also, for the sake of documenting cumulative impacts of the project, past and foreseeable conversion of agricultural land by urbanization in the vicinity of the project should be characterized, based on past urbanization trends, Department of Finance projections and land use planning policies.

Growth Inducing Impacts

5-9 The DEIR/S notes that the proposed levee would provide less than the 100-year level of protection under FEMA standards. The document then concludes that the project would not be growth-inducing because it "would not alter the regulation of land use in the floodplain pursuant to the National Flood Insurance Program." This conclusion needs to be better documented. It would seem that any improvement in flood protection over the existing protection could have growth-inducing impacts since the final land use approval authority is Hamilton City, the

National Flood Insurance Program notwithstanding. We recommend that the final EIR/S discuss local land use policies that would affect the development potential of agricultural lands around the City, and how those policies would prevent increased flood protection from having growth-inducing impacts on adjacent agricultural land.

5-10 Finally, for the uninitiated, we recommend that how the level of flood protection influences land development under FEMA regulations, be elaborated upon in the final EIR/S.

Indirect Impacts

5-11 In our May 2004 comment letter on the project, we recommended that the potential indirect impacts of the project on adjacent farmlands be discussed and, as necessary, mitigated. As detailed in the May comment, examples of such impacts could include depredation of crops from wildlife drawn to the project, limitation on agricultural practices due to the proximity of protected wildlife habitat, spread of weeds from the retired lands of the project site, seepage, etc.

Mitigation Measures

5-12 One of the mitigation measures of the CALFED ROD, and one that this Department has routinely recommended be considered in other projects' CEQA documents, is the use of agricultural land conservation easements. We recommend that this mitigation measure, as well as the use of working landscape elements (see Alternatives, above), be considered as at least partial mitigation of the project's direct, growth-inducing and cumulative impacts on agricultural land.

The CALFED ROD lists 30 other measures that should be considered in mitigating CALFED project impacts on agricultural land. In our February 2004 comment letter, we listed nine measures from the list of 31 that we specifically recommended for your consideration in the DEIR/S. We continue to recommend that at least these measures be discussed and considered in the final EIR/S.

In conclusion, the Department supports the kind of locally supported, multi-purpose projects that the Hamilton City project represents. However, at the same time, California continues to lose a significant acreage of agricultural land every year to a combination of urbanization, public land acquisition and land retirements related to water transfers and drainage impairment. We believe that an adequately prepared DEIR/S that accurately documents the agricultural impacts of the project, agricultural friendly alternatives, and mitigation measures, can provide the basis for a project that not only serves the purposes of flood protection and habitat conservation, but also agricultural resources.

Thank you for the opportunity to comment on the DEIR/S. If you have questions concerning our comments, please contact me at (916) 657-4956.

Attachment

cc: Ms. Erin Taylor
U.S. Army Engineer District, Sacramento

Bill Duckworth, Agricultural Commissioner
Glenn County

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FOOD AND AGRICULTURE
Office of Agriculture and Environmental Stewardship
1220 N Street, Room A-400
Sacramento, California 95814
Telephone: (916) 657-4956
Facsimile: (916) 657-5017

February 5, 2004

Ms. Sara M. Schultz
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814

Dear Ms. Schultz:

Subject: Administration Draft Feasibility Study and Draft Environmental Impact Report/Study (DEIR/S) for the Hamilton City Ecosystem Restoration and Flood Control Project

The California Department of Food and Agriculture (Department) has reviewed the Administrative DEIR/S. The Department's mission is to protect and promote California agriculture, including the natural resources upon which agriculture depends. From this perspective we offer the following suggestions for your continuing refinement of the DEIR/S.

The project will fund riparian and floodplain ecosystem restoration along the Sacramento River in the immediate proximity of Hamilton City, Glenn County. To mitigate the impacts of habitat restoration on flood protection, the project will include the construction of flood protection structures along the River as it passes Hamilton City. The project, depending on the alternative finally selected, will result in the loss of from 1,000 to 1,600 acres of largely Prime, Statewide Important and Unique Farmlands.

Growth-inducing Impacts

The DEIR/S acknowledges that the enhanced flood protection afforded Hamilton City by the project will encourage growth in the Hamilton City community by eliminating a constraint to growth; i.e. flooding. This is consistent with other statements within the DEIR/S where it is recognized that population growth in the region will continue to result in the conversion of agricultural and other rural lands to urban uses, and where it is also noted that the project will have "beneficial effects on the development potential of the area." (pages 4-40 and 5-33) The DEIR/S further references the pressures on Glenn County to encourage economic development through land use planning policies that foster growth. (page 5-26)

We recommend that the DEIR/S elaborate on the growth-inducing impacts of the project on surrounding agricultural land by including state and local growth projections, general plan designations and references to studies or reports that document the

growth potential and/or projections for Hamilton City and environs. Also, maps and acreage tables showing agricultural lands (and their Farmland Mapping and Monitoring category) that would receive enhanced flood protected from the project, and thus be more vulnerable to urbanization, should be included to help the reader to grasp the nature of the growth-inducing impacts posed to agricultural land by the project.

Mr. Pete Rabbon spoke on this project at the Bay-Delta Public Advisory Committee's Working Landscape Subcommittee meeting this morning. In his comments, he stated that the height of the proposed levees will be high enough so that farmlands on the protected side of the levee will experience less flooding, but not so high that urban land uses can be permitted. We did not see this aspect of the project discussed as part of the growth-inducing impact section of the DEIR/S. This design feature/mitigation should be brought forth in the document, along with a discussion of the degree of protection against urbanization that will be afforded, legally, physically and geographically.

Cumulative Impacts

The DEIR/S concludes that the project will have a significant cumulative impact on agricultural land resources. However, the DEIR/S then discounts the significance of the impact by stating that "the conversion of agricultural lands to habitat attributed to this project is primarily occurring on lands with diminishing long-term productivity", and "this project will contribute to higher long-term productivity on agricultural lands on the landside of the new levee." Without documentation that the lands in the project area have inherent constraints to their productivity, the value of this farmland should not be discounted; the Department of Conservation's Farmland Mapping and Monitoring Program currently classifies these lands as dominantly Prime, Statewide Important and Unique Farmland. Also, the heightened flood protection for other farmlands is not germane to the documentation of the cumulative impacts of farmland conversion, particularly when the heightened protection may also make these lands more vulnerable to urbanization. The relevant fact is that this project potentially contributes to the ongoing loss of Important Farmland by urbanization and public land acquisitions.

We recommend that if there are inherent problems with the agricultural use of the lands proposed for conversion by this project, these problems be documented and compared with those of surrounding lands of similar quality. Documentation could include crop yields, farming costs and interviews with local and regional agricultural experts, such as the county agricultural commissioner.

The cumulative impact analysis, itself, is limited to a few lines that are focused on state level cumulative impacts (i.e., one million acres of agricultural land in the Central Valley). This analysis should be expanded to focus down on the Sacramento Valley region and, more specifically, the Hamilton City area. The acreage of agricultural land converted to non-agricultural uses over the past twenty years that the Department of

Conservation's Farmland Mapping and Monitoring Program has been in existence should be documented according to cause and farmland classification. In addition, the state Williamson Act program has documented Williamson Act contract terminations over the past 20 years, including terminations by public acquisition. This data could also be used to characterize past cumulative impacts. Finally, we recommend that habitat restoration and floodplain protection projects that have removed land from agricultural use over the past 10 to 20 years be documented.

In addition to documenting the retrospective component of the cumulative impact analysis, we recommend that the DEIR/S document other projects now in progress, as well as projects on the foreseeable horizon, which could contribute to the ongoing loss of agriculturally productive lands in the Sacramento Valley and project vicinity.

Indirect Impacts

We did not see reference to the potential impacts of the project on adjacent lands. Increased wildlife habitat and flooding on the project lands could create adverse impacts on the agricultural use of adjacent lands. For example, with improved habitat, depredation of crops on adjacent fields by wildlife could increase. Improved habitat could also attracted Threatened and Endangered species to adjacent farmlands, jeopardizing farming practices there with Endangered Species Act restrictions.

Further, unless closely managed for disease and weeds, the restored lands could serve as a weed and disease bank, increasing the cost of disease and weed control on adjacent agricultural lands.

Other indirect impacts could include trespass and vandalism from increased public use of the wildlife areas created, and the possibility of changed hydrologic conditions on adjacent agricultural lands that render the soils too wet to work.

Mitigation Measures

The DEIR/S states on page 5-28 that if the impact analysis shows "a significant effect, an appropriate level of mitigation would be identified." On page 5-31, the California Land Evaluation and Site Assessment (LESA) analysis assigns the level of agricultural land impact as 78, twice the significance threshold of 39. Indeed, the DEIR/S concludes that the project will have a significant impact on agricultural land and land uses.

However, the DEIR/S does not consider mitigation measures for the loss of agricultural land and land uses. The document, on page 5-31, dismisses the impacts on agriculture, by stating that "[a]lthough a significant and unavoidable effect to farmland conversion has been identified, the benefits of the project continue to provide a compelling argument for its implementation." This rationale should be part of a statement of overriding considerations, if one is later adopted, but not used to avoid the

analysis of appropriate mitigation measures for an identified significant environmental impact. Therefore, we recommend that the public DEIR/S include a consideration of a reasonable range of mitigation measures that would lessen, compensate for, or avoid the significant impacts of the project on agricultural lands.

The CALFED Bay-Delta Program Record of Decision (ROD) stipulates that mitigation measures be considered and adopted, where appropriate, to mitigate Program impacts on agricultural land and water resources. The ROD lists 31 measures that should be considered for mitigating agricultural land and water use impacts. Following are a few selected mitigation measures extracted from the ROD that we specifically recommend for your consideration.

"1. Site and align Program features to avoid or minimize effects on agriculture.

2. Examine structural and nonstructural alternatives to achieve project goals in order to avoid effects on agricultural land.

6. Support the testing and application of alternative crops to idled farmland (for example, agroforestry or energy crops).

8. Support the California Farmland Conservancy Program in acquiring easements on agricultural land in order to prevent its conversion to urbanized uses and increase farm viability. Focus on lands in proximity to where any conversion effect takes place.

12. Use Farmer-initiated and developed restoration and conservation projects as a means of reaching Program goals.

14. Obtain easements on existing agricultural land for minor changes in agricultural practices (such as flooding rice fields after harvest) that would increase the value of agricultural crop(s) to wildlife.

15. Include provisions in floodplain restoration efforts for compatible agricultural practices.

19. Develop buffers and other tangible support for remaining agricultural lands.

25. When it appears that land within an agricultural preserve may be acquired from a willing seller by a State CALFED agency for a public improvement... advise the Director of Conservation and the local governing body responsible for the administration of the preserve of the proposal."

Two mitigation measures or alternatives that we specifically recommend for your

consideration are measures that combine several of the above ROD measures. One would be a project alternative that relied on a "working landscape" approach to restoration where less flood-prone lands continue to be used for wildlife friendly farming operations. Under this alternative, restoration would occur on lands adjacent to the river channel and on marginal agricultural lands, while the higher, better agricultural lands are restricted by agricultural land conservation easements to limit agricultural uses and practices to those that do not impair flood water flows and are more accommodating to wildlife, such as pasture and hay operations.

A second mitigation measure that we encourage for your consideration is the use of agricultural land conservation easements to protect agricultural lands adjacent to the project and within the areas of enhanced flood protection near Hamilton City. An acre-for-acre protection of agricultural lands surrounding the project for each acre converted by the project could lessen the cumulative and growth-inducing impacts of the project. This measure could also enhance the sustainability of the remaining agricultural lands, partially compensating for the direct conversion impacts caused by the project. The creation of buffers by the application of agricultural land conservation easements could also mitigate the indirect impacts of the project on adjacent lands. While the purchase of agricultural land conservation easements will add costs to the project, the acquisition of up to 1,600 acres of agricultural easements at an estimated $1,500 per easement would amount to $2.4 million, or about five percent of the project's estimated cost.

Other Comments

1. An environmental document under CEQA or NEPA should be conducted and presented in an objective fashion. However, the DEIR/S often includes text that conveys an advocacy tone. An example is the discussion on why the project should proceed regardless of its impacts on agriculture (page 5-31). Another example is on page 5-4 where the project is referred to in the first person, using the term "our." In addition, the text includes unsupported statements that come across as advocacy rather than as objectivity. For example, "the effort... is already improving the health of local wildlife..." and "improvements in water quality as a result of restoration efforts have positive effects all the way down the Sacramento River to the Bay-Delta." Such claims may be true, but should be stated more objectively and documented with supporting data and observations.

2. The DEIR/S notes that the project area includes Williamson Act contracted lands. On page 4-40, it is stated that "less and less land would be re-contracted under the Williamson Act." The basis for this statement should be provided. Do trends in enrollment support this prediction?

   On pages 5-28 and 29, references are made to Williamson Act contracts being impacted by the project, but the fate of these contracts is not made clear. The

DEIR/S should describe whether the contracts will be terminated of their own accord, terminated by public acquisition, or cancelled. Also, consistent with the ROD mitigations, the Department of Conservation should be notified of any change in contract status as a result of this project.

3. Chapter four describes the agricultural character of the project site in narrative. We recommend that the agricultural acreage within the project site and on lands within the sphere of influence of Hamilton City, be shown on maps and tables, using, where available, the Department of Conservation's Farmland Mapping and Monitoring Program data and maps. This classification scheme should also be used in discussing project impacts on agricultural land.

   Also, on page 4-28, a reference is made to Williamson Act Prime and Unique agriculture. It seems that this reference is mixing two different definitions. The Williamson Act's lands are defined as Prime Agricultural Land and Open Space of Statewide Significance (often referred to as Non-Prime Agricultural Land). The Farmland Mapping and Monitoring Program uses a classification that relies on a completely different set of criteria to categorize lands as Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Locally Important Farmland. There is no Williamson Act Unique agricultural land. This should be clarified and the two systems (three, including the USDA Land Capability Classification system) consistently used within the document.

4. We commend you on the use of the California version of the Land Evaluation and Site Assessment (LESA) analytical model. It was originally developed by the USDA to quantify the significance of the impacts of federally funded projects on agricultural lands. These projects can include airports, sewer treatment plants, highways and habitat acquisitions. The California version was developed to better apply to California conditions and is now an optional impact analysis tool in CEQA. CEQA offers the tool for the analysis of project conversions of agricultural land to non-agricultural uses. The Act's Guidelines do not distinguish between urban non-agricultural uses, or other, less intensive uses, as long as the conversion occurs to an assumed irreversible non-agricultural use. LESA is intended to document these impacts.

   The model rates lands according to its inherent physical and chemical characteristics. For example, land subject to frequent flooding will be assigned to lower land capability classes and score lower on the Land Evaluation side of the model. The model also rates the land use and policy setting of the subject lands. For example, the model gives a lower rating to farmland in close proximity to non-agricultural uses that could pose land use conflicts. Similarly, the model gives a higher rating to agricultural lands in close proximity to other agricultural lands that are protected for agricultural uses.

Also, because of our State's diversity, the California LESA model is intended to be modified by lead agencies, as necessary, to better account for unique local agricultural and land use conditions. For example, the statewide model gives additional points when the subject site is adjacent to other protected agricultural and open space lands. However, if an adjacent open space use is one that could impair the continuing agricultural use of the project site (e.g. an aggregate mine, off-highway vehicle park, or a wildlife refuge), it may be appropriate to modify the "SA" side of the LESA equation to account for the incompatible land use. As long as the modification is an attempt to better document the true agricultural value of the land in question, adaptation of the model is appropriate.

The California LESA tool, as well as the federal version of it, are referred to in the DEIR/S as two different methods of evaluating agricultural land impacts. This is not quite the case. The California LESA is an improved (for California) derivative of the federal LESA. The California LESA was developed to be more applicable to California's agricultural setting, while the federal LESA is a generic version, developed for national application with a Midwestern bias. While federal agencies are required to use the federal LESA in evaluating federal projects, the California LESA is more appropriate for this analysis. We recommend that this difference in the two systems be clarified and that deference be given to the California model. If the federal LESA is to be used at all, to be consistent, its score should also be shown in Chapter 5.

5. On page 5-5, a reference is made to "SCS." While the Technical Release cited was issued when this USDA agency was still named the Soil Conservation Service, it has since been renamed the Natural Resources Conservation Service. To avoid confusion, this clarification should be made.

6. On page 5-26, The Nature Conservancy September 2002 draft socioeconomic assessment study is cited to document socio-economic impacts of the project. Another germane study that should be reviewed is one funded by the U.S. Fish and Wildlife Service, "The Economic Impact on Glenn County of Public Land Acquisition and Habitat Restoration Activities in the Sacramento River Conservation Area", by Ronald G. Adams and David E. Gallo, dated June 15, 2001.

7. On page 5-39, the statement is made that project alternatives would "decrease dispersal of pesticides due to flooding of agricultural areas." The current problem of pesticide dispersal into California waters from the project site should be documented and the expected decrease due to the project, quantified.

8. On page 5-41, we recommend that the project's cumulative impacts on agricultural workers and third party economic interests also be addressed. This could be conducted along with the expanded cumulative agricultural land conversion impact analysis recommended previously in this letter.

Thank you for the opportunity to comment on the administrative DEIR/S. I hope that our comments and recommendations are useful to you as you prepare the document for its public release. If we can provide additional information and advice, or answer questions on our comments, please call me at (916) 651-9445.

Sincerely,

Kenneth E. Trott, Staff Environmental Scientist
Office of Agriculture and Environmental Stewardship

cc: William R. Duckworth, Agricultural Commissioner
Glenn County

Steve Shaffer, Director
Agricultural and Environmental Stewardship

KT:cm

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*
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Ruth Coleman, *Director*
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(530) 538-2200

May 20, 2004

Ms. Erin Taylor
U.S. Army Engineer District, Sacramento
1325 J Street
Sacramento, CA 95814-2922

Dear Ms. Taylor:

Subject: Hamilton City Flood Damage Reduction and Ecosystem Restoration, California (Draft FR/EIS/EIR), March 2004, SCH #2002122048

The following comments relate to the March 2004 report mentioned above; bold text is from your draft report.

6-1

1. Summary Page 4, **"Some modification of the existing boat ramp may be required"**. Some modification of the boat ramp and associated facilities will be required. (As delineated in alternative 6, raising the levee and covering the existing park landscaping and parking area with a levee will require the replacement of impacted parking and associated landscaping. The project may require replacement of the existing boat ramp, roads, and associated structures depending upon final levee design.)

6-2

2. Page 8-9, **"Federal Water Project Recreation Act"**. There are opportunities for this project to enhance recreation. The project could add additional parking and camping on lands adjacent to Irvine Finch River Access. The opportunity exists for cost sharing of these recreation enhancements adjacent to the Irvine Finch River Access owned and operated by the State of California, Department of Parks and Recreation. Up to 250 additional day use and boat parking spaces, and a campground (with 50 family campsites and 3 group campsites) could be developed on adjacent lands impacted by the project.

6-3

3. Page 5-45, "Mitigation measures" ..."**These effects shall be minimized through...redirection to the nearest comparable facility within the proposed project effected area**". Unfortunately, no comparable facilities exist for launching boats in the Sacramento River in the vicinity of Chico. The nearest comparable ramp downstream is Ord Bend (river mile184), and upstream the next ramp is at Woodson Bridge (river mile 218). The Woodson Bridge ramp is frequently closed due to silt build-up. The next comparable ramp upstream is Red Bluff (river mile 243). The two nearby ramps are Scotty's and Pine Creek. Both of these ramps are severely restricted. The ramp at Scotty's Boat Landing is substandard and without parking. The ramp at Pine Creek is substandard with very limited parking and a very shallow channel to the river.

6-4

The recreation mitigation suggested in the report **"Provide notice and signage to redirect use"** is insufficient. We suggest that every effort be made to keep the existing boat ramp and parking at Irvine Finch open to boaters during the salmon fishing season (fall and winter), and limit any boat ramp closures to short periods during other times of the year. Temporary river access, temporary boat launching and temporary parking should be maintained during the construction period. The boat ramp is extremely busy during the fall salmon fishing season. During the prime fishing season, it would be inexcusable to close the ramp, or severely limit parking.

Thank you for allowing us to comment on your draft report.

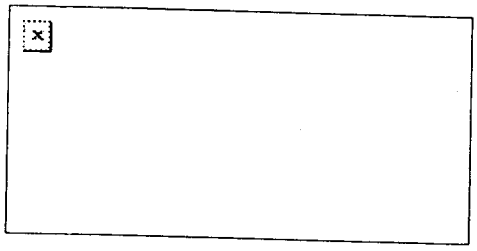
Roger Calloway for
Robert Foster
District Superintendent

Cc: Tom Wyant, Natural Resource Division
Woody Elliott, Northern Buttes District
Roger Calloway, Northern Buttes District
Steve Feazel, Northern Buttes District
Ken Walters, Northern Buttes District

FAX: State Clearinghouse (916) 323-3018

Taylor, Erin A SPK

From: Bundy, Burt [bundy@water.ca.gov]
Sent: Monday, May 24, 2004 3:09 PM
To: Compstudy
Subject: Hamilton City Draft FR/EIS/EIR Comments and Questions



2440 Main Street
Red Bluff, Ca. 96080
T.530-528.7411 F.530.528.7422

www.sacramentoriver.ca.gov

U.S. Army Corps of Engineers, Sacramento District

May 24, 2004

ATTN: Hamilton City Project
Environmental Resources Branch
1325 J Street
Sacramento, California 95814-2922

Regarding: The Draft Feasibility Report and Environmental Impact Statement/Environmental Impact Report (Draft FR/EIS/EIR) for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project, California

The Sacramento River Conservation Area Forum is a non-profit organization that represents many different interests along the Sacramento River. Out Mission States:

"The Sacramento River Conservation Area Forum brings communities, individuals, organizations and agencies together along the Sacramento River from Keswick to Verona to make resource management and restoration efforts more effective and sensitive to the needs of local communities. The Forum supports restoration done well, and serves as a forum for sharing, a facilitator of solutions, and a partner for projects that protect both the natural values of the Sacramento River and the communities it runs through."

Members of our group have played an active role in coordinating discussion about the Hamilton City Project. Both our Technical Advisory Committee and Board have been briefed on the project. The Board has accepted the TAC recommendation that the Hamilton City Project meets the principles and guidelines outlined in our Handbook, and the information presented in the Draft FR/EIS/EIR is accurate and acceptable. -1

The SRCAF looks forward in continuing our participation with the COE and State Reclamation Board planning process on Hamilton City.

If we may be of any assistance in this process, please let us know.

Burt Bundy, Manager
Sacramento River Conservation Area Forum
2440 Main Street
Red Bluff. California 96080

Phone (530) 528-7411
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e-mail bundy@water.ca.gov
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PUBLIC WORKSHOP MEETING FOR THE

HAMILTON CITY FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION FEASIBILITY STUDY

HAMILTON UNION HIGH SCHOOL

HAMILTON CITY, CALIFORNIA

THURSDAY, MAY 6th, 2004

8:00 P.M.

PUBLIC COMMENTS

Reported by: Sheryl Dirks, CSR#3513

(PUBLIC COMMENTS)

MS. GRIVEY: Actually two comments. My first comment is that I want the people who are here paying attention and making decisions to pay attention to the fact that this community has a very low median and mean income and 1.8 million dollars, if I understood him correctly, is a lot of money to share among a thousand households; and then, another, I don't know, $100,000 a year, $145,000 a year to share among a thousand households is a lot of money. So I'm all for the levee. I want it to go forward, but I want us to keep that in mind. We're not a very rich community. So that's the first thing I want people listening and paying attention, making decisions to pay attention to.

O-1

The second comment I want to make as I understand that the dirt, some of the dirt is going to be removed from the Glenn-Colusa Irrigation Canal which is that huge mound of dirt that goes along Highway 45 and that makes sense to me. It's a lot of dirt and it's a great place to take it from; but if you guys go in there and you just remove the dirt like they sometimes do willy-nilly, haphazardly, not paying attention to what's going on, there is habitat, coyotes, birds, all sorts of habitat that lives in that canal on those ditches, banks. There is homes on the -- along the ditch bank. It serves as a sound breaker for the homes there. It also serves as a flood control for Colusa

O-2

O-3

O-4

Canal in the winter when it floods.

I want you to when you think about taking this dirt away whoever's job that is, I want you to think about we need to do this with a plan and to think about how it's going to impact the people that live there and the rest of the community and leave it so it looks nice because right now they go in there and remove the dirt, they track it everywhere and it looks horrible; and I would really like it to be left for pride for our community. Those are the two comments that I have.

8-5

Mr. BUNGARZ: Thank you, Susan. You might want to get together with some of the planners on that second question. They may be able to give you some answers on that.

Anyone else that wanted to say anything that has a card? Wow, we must be doing something right.

The planning team has agreed now the main reason for this, obviously, was to let you give your input into the draft plan which that input will go into the final plan both written and oral; and, again, if you want to do it in writing, these cards are out on the desk.

The planning team has agreed that if you have any questions, they would try to answer them for you now. Question-and-answer period.

MR. BENTON: This might be a little silly but,

number one, you said to remove the J levee. They are going to leave it until the other levee is in place?

MR. BUNGARZ: I heard that, too. I'm sure that's not what he meant. What Mark said, remove the J levee and build the other levee. I hope it's done in reverse.

Is that right?

MS. KIRCHNER: Yes. The time they're removing of the J levee would come after the other levee is put in place.

MR. BUNGARZ: Maybe we can get Gary and Mark up here to answer some of these questions. Anything else besides that? I heard the same thing.

Wow, that's great. We're going to get done a lot early. Are we just really happy with what's going on here or do we have some other questions?

MS. BASS: Is this the time to address public use of any of that land?

MR. BUNGARZ: Yeah.

MS. BASS: Then let's talk about it. I don't know what to say.

MR. BUNGARZ: What I think Barbara was asking was what's the public use going to be of that land, that public land?

MS. BASS: Yeah.

MS. KIRCHNER: The question is what would the public

use or access be for the land waterside of the new levee; is that correct, Barbara?

MS. BASS: Just in general.

MR. COWAN: Originally for those of you that were in the previous meetings there was a third objective. It was recreation and there was some thought that there would be some interest in providing recreation in that area, passive recreation. We're not looking at dune-buggys, and whatnot that would tear it up. How people could enjoy it in a more controlled fashion.

Through this process there was no interest ever expressed. There was some plans put together and at this point that recreational element was removed from the project. If Congress tells us to put it back in, we will; but at this point anything in that area would be confined to more passive activities in there, but there wouldn't be any trails at this point. There wouldn't be any type of use in there.

The levee would also need to be restricted on use because even though that -- without a real plan put in place I mean it could be a great bike path but it's also a maintenance road would be on top of that and need to be free of any obstructions for flood-fighting purposes in the future.

MS. BASS: But we had brought up -- I have always

brought up at these meetings. I have always brought up at these meetings that -- I have always shown an interest in the public use of any parts of that land and I think it would be a shame. The town is only a half-a-mile away. It would be great to have a bike path out there and once that's closed off, we'll never have the opportunity to get something like that. I mean where are we? There is no public use. It was thrown out of the project? That's what you just said?

MS. KIRCHNER: Awhile back the States Parks was doing this study, restoration study determined that to incorporate recreation as a third purpose of this project would add a considerable amount of time to the study and we needed to pursue the first two purposes. We did that because there was another entity, State Parks -- I believe, Gary, you might be the best one to answer this. State Parks was working toward developing a plan for the area. So what we have done is worked with them to be aware of what that plan could look like and make sure that it could be integrated -- that what we're doing is consistent with them. We don't preclude anything that would come from that other initiative. So, hopefully, the area is left with something that's very compatible should the recreation plan that they're working on be implemented someday.

MR. BUNGARZ: As I understand it, it will be public

land.

MS. BASS: But there is a lot of public land.

MR. BENTON: Since the topic of expense as far as the homeowners are going is there any other help? In other words, we see the Feds. We see local. Is there a State involved, County involved or is it the 15 million or 1.5, whatever it is. Is it going to be strictly in the homeowners?

MR. BUNGARZ: Yeah. The question as I understand it is who is going to bear the brunt of the local costs. Is this the time to talk about the land that TNC owns and the possible levee? Can somebody answer that question? That's been one that has come up for quite some time.

MS. KIRCHNER: Could we restate --

MR. BUNGARZ: Concern about the costs that were listed is that going to be all on the locals. Let's talk about some of the other ways the costs would be.

MR. LEMON: Probably 95 percent or better of the land for this project is currently owned by TNC. Some of this land was purchased by grants from state funding. I think the proposal is that the value of this land will go towards the state and local cost shares of this project. Typically you have a 70/30 percent split, 70 percent state, 30 percent local of the non-federal cost share. I believe that's 65/35 federal/non-federal. So of that 35 percent we have a 70/30

breakdown. I don't know if we have exact numbers on the value of that land. That would be done I believe when we get closer to construction.

MR. BENTON: But your chart I thought it included the land still 1.8 million dollars cash left. Is it the people going to be under the influence of the levee expected to pay for that or is there any help for us?

MS. KIRCHNER: The non-federal cash requirement is currently estimated to be a million eight hundred something thousand. And that is a cost share that would be split between the state and the locals. Some local entity that would have the legal ability to sign an agreement. I don't believe we got the exact breakdown of that today; but, yes, you're correct that amount would be cost shared between the state and the local entity.

MR. BUNGARZ: Okay. John. Wait a minute.

MR. MERZ: Who is the local sponsor from the state and who is going to own the land? Sorry. John Merz, Sacramento River Preservation Trust.

MR. BUNGARZ: Who wants to answer that?

MR. LEMON: Local sponsor from the state? I don't know if that's been 100 percent identified yet, but we're attempting to get the Department of Fish & Game. Is that what you're referring to, John?

MR. MERZ: Well, you have -- it's a restoration.

You have natural habitat. I'm just one that wants the recreation plan to move forward and if it ever does get picked up at the state level and who's going to do that. I mean recreation quite frankly isn't one of the things that it does relative to let's say mention of State Parks. So from Department of Resources doesn't do it. So I'm just kind of curious when that decision has to be made. I guess, because it does have to be made at some point. Correct?

MR. LEMON: I'm losing you. The recreation part of it?

MR. MERZ: You have to -- when does that decision have to be made?

MR. LEMON: I think before the PCA is signed before we get into construction is my understanding.

MR. MERZ: Don't use acronyms because I don't know what they mean.

MR. LEMON: Project cost agreement. That's just before you go into construction. That's something that's signed. You have the project cost between the state and federal government. Then you have the LPCA, Local Project Cost share Agreement between the state and the local entity which will maintain the levee district.

MR. COWAN: That could be signed first agreement. First agreement can be signed could be on the table as early as September. That's when the next agreement needs to

be signed between the federal and state agencies and that would be for the PED phase. The preconstruction engineering design phase. That's when we do plans and specs. There is one other, there is another agreement that's signed. That's the PCA, project cooperation agreement. That gets signed before the construction can actually occur. There is two more times when the agreement has to be signed. At those times if there was an entity that was entering into and supporting whatever features, we can only move forward to the project if we have a non-federal sponsor willing to support that feature and right now we don't have that for our recreational component.

So there is -- to answer your question the next agreement could be signed as early -- I said August probably September of this year.

MR. BUNGARZ: You don't look like you got the right answer, John.

MR. MERZ: It's a work in progress.

MR. BUNGARZ: That's a good point. It is a work in progress. Any other questions, comments? The planning team. Yes, Pete.

MR. RABBON: What do you recommend that the local citizens do to keep the pressure on the Corps and the state to move this forward?

MR. BUNGARZ: Pressuring the board and manager.

Those of you don't know this is Pete Rabbon who is the Rec. Board manager and, by the way, has been a very strong supporter.

MS. KIRCHNER: I would have to refer that to our Reclamation Board, the non-federal partner. Keep talking about the project. If you want it, keep talking about it. Get out there and make connections that you need to make.

MR. BUNGARZ: I can tell you that we in the county have met with Representative Herger and we have comments both to Senator Feinstein, Senator Boxer. We worked with our state legislature. That's one of the reasons Kim was here and Alex was here earlier. Is that what you wanted to say, Mark?

MR. CHARLTON: That's what I wanted to say. Do write your Congressman. Do write your State assemblyman.

MR. BUNGARZ: For those who didn't hear Mark, same thing I just said, State and Federal legislators we have been and will continue to be meeting with them.

Okay. Unless there is any questions. Let me again say if you have a written statement that you would like to be in the report, be sure and fill this out. Those cards are on the desk as you go out. There is also a place for those.

What I would like to do now is the team has agreed to stick around and be around the maps if you have any

further questions or this presentation brought up something you didn't get answered and you want to get answered by the public feel free to do it. This Corps group and the Department of Water Resources has worked together with this community I think stronger than I've seen work for a long time, and I don't know how often we're going to be able to see them again. I would like to give them a big hand. Thank you very much.

MS. SAPP: Juanita Sapp. I'm following up on Barbara Bass' comment about the riparian area out here. I think that when they write this proposal up that something in it should be worded in a way that the local district will have access to the land as park area, the riparian area. If we are going to be asked to pay for this through the levee district because if I understand correctly, it includes the levee district -- I mean, the levee and the riparian area we're going to be asked to pay for this on an annual maintenance, we should have access to it.

9-1

(end of comments)

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF GLENN)

I do hereby certify that the foregoing transcript, consisting of 13 pages hereof, was taken by me in shorthand at the time of the proceedings in the above-entitled matter, and that the foregoing is a full, true and correct transcription of the proceedings held at said time.

Dated May 10, 2004.

SHERYL DIRKS,
Certified Shorthand Reporter
CSR No. 3513

California Regional Water Quality Control Board
Central Valley Region

Terry Tamminen
Secretary for Environmental Protection

Redding Office
415 Knollcrest Drive, Suite 100, Redding, California 96002
Phone (530) 224-4845 • FAX (530) 224-4857
http://www.swrcb.ca.gov/rwqcb5

Arnold Schwarzenegger
Governor

7 May 2004

Annalena Bronson
The Reclamation Board
2210 El Camino Avenue, LL-40
Sacramento, CA 95821

COMMENTS ON DRAFT FEASIBILITY REPORT/EIS/EIR FOR HAMILTON CITY FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT, SCH #2002122043, GLENN COUNTY

Based on our review of a Draft Feasibility Report/Environmental Impact Statement/Environmental Impact Report (March 2004) for the project *Hamilton City Flood Damage Reduction and Ecosystem Restoration*, we have the following comments.

10-1 Wetlands and/or stream course alteration – The project proponent may need to apply for a Clean Water Act Section 404 permit (§404 permit) from the U.S. Army Corps of Engineers. A §404 permit is required for activities involving a discharge of dredged or fill material to waters of the United States. "Waters of the United States" include wetlands, riparian zones, streambeds, rivers, lakes and oceans. The Army Corps of Engineers Butte County contact for §404 permits is Ms. Laura Whitney, (916) 557-7455.

10-2 (2) Projects requiring a §404 permit also require a water quality certification (pursuant to Section 401 of the Clean Water Act) verifying that the project does not violate State water quality standards. A water quality certification is required for any project that impacts water of the State (such as streams and wetlands). Activities that fall under the water quality certification process include, but are not limited to: stream crossings, the modification of stream banks or stream courses, and the filling or modification of wetlands. A water quality certification must be obtained prior to construction. Failure to obtain a water quality certification, when required, may result in enforcement action. The Regional Board Contact for water quality certifications is Scott A. Zaitz, who can be reached at the letterhead address or by telephoning (530) 224-4784.

10-3 (3) Isolated wetlands not covered by the federal Clean Water Act
Wetlands not covered by the Clean Water Act are known as "isolated wetlands." Should the U.S. Army Corps of Engineers determine that isolated wetlands exist at the project site and should the project impact or have potential to impact the isolated wetlands, a Report of Waste Discharge and filing fee must be submitted prior to commencing the construction activity. The Regional Board will consider the provided information and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver thereof, when required, may result in enforcement action. Report of Waste Discharge application forms are available by calling our office at (530) 224-4845.

9
10-4

Construction storm water - A Construction Activities Storm Water Permit is required for storm water discharges associated with a construction activity where clearing, grading, and excavation result in a land disturbance of one acre or more. Storm water discharges from construction activity that results in a land disturbance of less than one acre, but which is part of a larger common plan development of one acre or more, also requires a construction storm water permit. A construction storm water permit, if required, must be obtained prior to construction. Failure to obtain a construction storm water permit, when required, may result in enforcement action. Construction storm water permits can be obtained from Scott A. Zaitz (see above contact information) with the Redding office of the Regional Board.

5
10-5

Dewatering Alternative 1: discharge to storm drains or waters of the United States - A dewatering permit, *General Order for Dewatering and Other Low Threat Discharges to Surface Waters*, may be required for construction activities. This general NPDES (National Pollutant Discharge Elimination System) permit covers the discharge to waters of the United States of clean or relatively pollutant-free wastewater that poses little or no threat to water quality. The following categories are covered by the dewatering permit: well development water; construction dewatering; pump/well testing; pipeline/tank pressure testing; pipeline/tank flushing or dewatering; condensate discharges; water supply system discharges; miscellaneous dewatering/low threat discharges. The dewatering permit applies only to direct discharges to waters of the United States. Failure to obtain a dewatering permit, when required, may result in enforcement action. An application form and a copy of the permit are available at this office.

6
10-6

Dewatering Alternative 2: discharges to land - Construction dewatering discharges that are contained on land (i.e., will not enter waters of the United States) are allowed under a general waiver adopted under Regional Board Resolution No. R5-2003-0008, provided the following conditions are met: (1) the dewatering discharge is of a quality as good as or better than underlying groundwater; and (2) there is a low risk of nuisance. Examples of dewatering discharges to land include a terminal basin, irrigation (with no return to waters of the United States), and dust control. You may request written confirmation from this office that the waiver is applicable.

If you have any questions, please contact me at (530) 224-3249 or the letterhead address.

Ray Bruun, P.E.
Associate Engineer
Shasta-Cascade Watershed

KB: rcb

cc: State Clearinghouse, Sacramento

Taylor, Erin A SPK

From: Kurt Keilman [kurtkeilman@sbcglobal.net]
Sent: Tuesday, April 13, 2004 12:12 PM
To: Compstudy
Subject: Draft FR/EIS?EIR Hamilton City

Hope you don't mind that I am sending in a few comments. Several people have told me that the Ham City report was an excellent document and having worked on Ham City when I was at the Corps, I couldn't resist a quick read.

Well, I was impressed- told the "story" better than many of the traditional Corps documents. Having said that, I can't help but ask a few questions. Again, hope you don't mind me still being a nosy economist even on my time off.

Hamilton City Flood Damage Reduction and Ecosystem Restoration, California
Draft Feasibility Report/EIR/EIS March 2004

General Comment on the Report:

Overall the document is an excellent example of how to formulate a project for the combined purposes of both ecosystem restoration and flood damage reduction. And I believe the report presents that the Alternative 6 is the NER plan that is most cost effective and that adding the flood damage reduction increment where Average Levee Height=7.5 feet for the Combined Alternative 6 (given the restriction on project performance where conditional non-exceedance probabilities are not allowed to be greater than 90% for the 1/75 event or less than 90% for the 1/125 event) optimizes incremental net benefits. Based on the report, the Combined Alternative 6 is the best NED-NER plan. But I do have a few technical concerns regarding findings in the report. I-1

Concerns:

II-2 1) Table 3-16: Alternative 3 is **incorrectly identified** as the least cost single purpose (ecosystem restoration plan). The problem is two-fold. First, it is not the least cost of any of the alternatives providing at least 888 AAHU. The least cost would be the NER plan Alt 6 (which is different from the Combined Alternative 6 in magnitude of flood damage reduction). In fact Alt 3 is the highest cost of any of the alternatives identified. Second, it is not a single purpose plan. Based on the estimates in Table 3-7, Alt 3 provides $327,000 in flood damage reduction benefits (or 56% as much flood damage reduction as the Combined Alternative 6 which was selected as the combined flood damage reduction and ecosystem restoration plan).

If there cannot be any plans (single purpose) formulated that provide 888 AAHU and $0 flood damage reduction that are less costly than the NER plan at 2,556,600 (see table 3-17) I would suggest that you use the NER plan as the least cost single purpose plan in Table 3-16. It is the least cost plan identified with similar ecosystem restoration outputs to the combined plan.

REVISED USING THE LOWER COST NER PLAN INSTEAD OF THE HIGHER COST ALT 3

TABLE 3-16. PRELIMINARY COST ALLOCATION
Combined Alternative 6
Tentatively Recommended Plan
(Flood Damage Reduction and Ecosystem Restoration)

	Annual Costs ($1,000)
Total Project Cost (a+b+c)	2623
a) FDR Separable Costs	67
b) ER Separable Costs	1736
c) Joint Costs	820

Annual Costs and Benefits ($1,000)

	FDR		ER		Total
d) Average Annual Benefits	584		888 AAHU		
e) Least Cost Alternative Plan (single purpose)	919	(alt 1)	2557	(alt 6)	
f) Limited Benefits (lesser of d and e)	584		2557		
g) Separable Costs (a and b)	67		1736		
Remaining Benefits	517		821		1338
h) Percentage of Remaining Benefits	38.6%		61.4%		
i) Allocated Joint Costs (cxh)	317		503		
j) Total Allocated Costs (i+a and i+b)	384		2239		

The FDR would still be feasible but with a lower net benefit and BC ratio of 1.5 to 1.

11-3

2) It appears that the only risk-based measure of with project performance was limited to defining the event that meets a Conditional Non-Exceedance Probability (CNP or as described in the report as reliability) of 90%. Why were Annual Exceedance Probabilities (AEP) and Long Term Risk excluded from the with project reporting? Was HEC-FDA used in the analysis? Can this information be found in any appendices and if so can you reference these sources in the Main Report?

11-4

Again, I think it is a great report and combined multi-purpose plans providing win-win situations for many stakeholders are the direction all water resources need to pursue.

Kurt Keilman

05/18/2004

State of California THE RESOURCES AGENCY OF CALIFORNIA

Memorandum

To: Project Coordinator
Resources Agency

Date: May 20, 2004

Ms. Annalena Bronson
The Reclamation Board
3310 El Camino Ave., LL-40
Sacramento, CA 95821

Ms. Erin Taylor
U.S. Army Engineer District
1325 J Street
Sacramento, CA 95814-2922

From: Dennis J. O'Bryant
Acting Assistant Director
Department of Conservation – Division of Land Resource Protection

Subject: Draft Environmental Impact Report/Statement (DEIR/S) for the Hamilton City Flood Damage Reduction and Ecosystem Restoration, Glenn County
SCH #2002122048

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, California Farmland Conservancy Program, and other agricultural land conservation programs. The proposed project presents many important advantages that include structural and nonstructural flood protection to the region, combined with riverine and riparian habitat restoration on approximately 1500 acres.

Division staff met with state and federal lead agency representatives on several occasions so that our concerns are addressed within the scope of the environmental documentation. As this project is to receive funding through the California Bay-Delta Authority (formerly known as CALFED), we would like to commend the lead agencies in largely incorporating the mitigation measures that are identified in the CALFED's EIS/R Record of Decision (Section 7.1 Agricultural Land and Water Use) as intrinsic parts of the project. These mitigation measures are substantially identified in Chapters 5 and 9 of the document. We acknowledge the necessity for the proposed project, as well as the potential benefits the proposed project offers that includes protection of valuable farmland in the area surrounding and downstream of the project site.

We respectfully offer the following comments and ask that they be addressed in the FEIR/S's response to comments:

The DEIR/S contains mitigation measures that have already been incorporated into the proposed project and are discussed in Chapters 5 and 9. We fully support and recognize those measures that have been implemented thus far in the project. The document mentions that an adjacent 157-acre parcel of land currently owned by The Nature Conservancy may be under consideration for a permanent agricultural easement. Please do not hesitate to contact the Division of Land Resource Protection as we may be of assistance in the establishment of such an easement.

12-1

Even with implementation of the mitigation measures, there remains a net loss of approximately 1500 acres of agricultural lands, which, as the agency in California state government statutorily charged with monitoring farmland conversion, we consider to be a significant environmental impact. The majority of these lands are currently under Williamson Act contract and within a Farmland Security Zone. Please contact the Division and the County for information regarding contract termination requirements. As replacement of land is not possible, even with the mitigation measures, the lead agencies may wish to consider adopting a statement of overriding considerations at the time of certifying the environmental document.

12-2

12-3

12-4

Section 8.1.5 discusses the Farmland Protection Policy Act. The Act requires a federal agency to consider the effects of its action and programs on the nation's farmlands. This federal rating system (Farmland Conversion Impact Rating) is essentially the federal Land Evaluation and Site Assessment (personal communication with Phil Hogan, NRCS, May 19, 2004), and is the system upon which the Department's Land Evaluation and Site Assessment (LESA) model was based. The NRCS conducted an analysis for determining the Farmland Conversion Impact Rating for this project, which resulted in a score that requires higher levels of consideration for protection (please refer to the following website for a brief explanation of the federal system: http://www.nrcs.usda.gov/programs/fppa). The state LESA model was developed to provide state agencies with an optional methodology to assess the environmental impacts of agricultural land conversions. As with the Farmland Conversion Impact Rating, LESA is a framework for combining multiple factors into an integrated assessment of the importance of a particular site for continued agricultural use. Such factors as soil quality, agricultural productivity, development pressure and measures of other public values are combined into a single score that allows units of government and non-government to identify and protect agricultural resources and plan their projects accordingly. The document provides a discussion in the Summary that concludes that the use of the use of the LESA model is inappropriate for this project. The rationale provided in the discussion emphasizes that soil quality is the primary factor to consider, when it is just *one* of the factors. The discussion also appears to be

12-5

inconsistent with the federal rating system. Regardless of whether or not an agency opts to utilize the model, if the reasons for not using it are included in the document, it is important that the rationale be appropriately and correctly reflected. The document is correct in stating that there may be disagreement among agencies, and we look forward to working towards resolution so that important projects such as this may proceed smoothly.

Thank you for the opportunity to review this document. We recognize that this project is well-supported locally, and that when implemented, the project will provide a greater degree of protection to the surrounding agricultural lands, provide valuable habitat and allow the river's natural processes to return.

Please do not hesitate to contact if we can be of assistance. If you have any questions regarding these comments, please contact Jeannie Blakeslee at (916) 323-4943.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

May 24, 2004

Erin Taylor
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

Subject: Draft Environmental Impact Statement (DEIS) for the Hamilton City Flood Damage Reduction and Ecosystem Restoration project (CEQ#040161)

Dear Ms. Taylor:

The Environmental Protection Agency (EPA) has reviewed the above referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act, as well our authorities under the Clean Water Act Section 404.

The Army Corps of Engineers proposes to increase flood protection and enhance ecosystem values along the Sacramento River in Hamilton City by constructing a setback levee, removing part of the existing "J" levee, and restoring native vegetation on project lands.

3-1 EPA supports the goals and objectives of the Hamilton City project. In our review of the document, we found that the DEIS sufficiently addresses the environmental impacts of the proposed alternative. EPA has rated this document "*Lack of Objections*" (LO). Please refer to the attached "Summary of Rating Definitions" for further details on EPA's rating system. Our rating reflects our overall view of the adequacy of the document.

We appreciate the opportunity to review this DEIS. Please send 2 copies of the Final EIS to the address above (Mail Code: CMD-2) when it is available. If you have any questions, please feel free to contact me or Shanna Draheim, the lead reviewer for this project. Shanna can be reached at 415-972-3851 or *draheim.shanna@epa.gov*.

Sincerely,

Lisa B Hanf

Lisa Hanf, Manager
Environmental Review Office

Attachments: Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."